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OF THE
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STATE HISTORICAL SOCIETY

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TRANSACTIONS AND REPORTS

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—OF THE—

NEBRASKA

State Historical Society.

VOLUME V.

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LINCOLN, NEBRASKA, Aug. 1, 1893.

To the Hon. Lorenzo Crounse, Governor of Nebraska.

SIR—In accordance with the provisions of law, we herewith submit our report of the proceedings of the State Historical society for the past year.

Very respectfully,

J. STERLING MORTON,
President.

HOWARD W. CALDWELL,
Secretary.

NEBRASKA STATE HISTORICAL SOCIETY.

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I.--HISTORICAL PAPERS.

RECORDS AND THEIR CONSERVATION.

Read Before the State Historical Society, January 11, 1893, by Hon. J. Sterling Morton, of Nebraska City.

Each family, every household, ought to have a record of its daily events, so far as the sanitary, physical and intellectual conditions are concerned. The family and home are the integral parts of the State, and the records of those parts would be the annalized history of the State which they compose.

In this Republic very little attention has been bestowed upon family records, and but little is known as to the ancestry of a majority of the families of the United States. Few persons trace back further than a great grandparent, and many know nothing at all even of grandparents. And yet it is as important to know the lineage of a human being when you seek to direct his education or vocation in life, or when you wish to employ one for a particular service, as it is to be acquainted with the pedigree of a horse which you purchase for speed, a sheep you buy for wool, or a swine you secure for bacon and lard.

The State, when civilization has matured somewhat, will compel by law the keeping of family records as to health, hereditary tendencies and the mental idiosyncracies of each member. Then from contemporary writing, the biographies of men and women and the history of nations may be intelligently and logically written in sober truth rather than in the delirium of the imagination. The sole source of honest history is in the contemporary thought as spoken and written by the people or country described.

during the period of time which the historian attempts to depict. In Nebraska, the civil existence of which began in 1854, less than forty years ago, my own experience and observation (which has from that date to this day, come to me as a citizen of this tree-planting state) verifies this statement.

Much that has been published as history is mere fustian and fiction. Not long since a text book for our schools, treating of the History and Civics of Nebraska, was sent me by its author, and I was surprised that it contained so many errors and so many untruths. Yet from it pupils in the public schools are learning so-called history. Had records been properly kept in each of the pioneer families of the territory, such a history would very soon be disproved, and go into disuse.

It is unblushing wickedness to write as history, sentences, paragraphs, and chapters, the truth of which the author cannot, in some reputable manner, by credible evidence substantiate. And he, who at this early day essays a history of Nebraska, has no excuse for not seeking and securing authentic data.

In each of the Missouri river counties of this State, men and women are still living who began residence in Nebraska in 1854 and 1855 and have continuously maintained it to date. Among those pioneers, the painstaking and honest historian, who seeks only truthfully to record events as they have actually taken place, can find the solid substance of truth.

In proportion to our enlightenment and our opportunities, I confess that the early white settlers of Nebraska have been less careful in conserving records than the copper-colored tribes of Indians who preceded us upon these fertile plains. Therefore in support of that confession, and for the purpose of permanently preserving them, I submit to the State Historical Society of Nebraska the following interesting and authentic copies of documents exhibited by certain Missouri and Otoe Indian chiefs at

Nebraska City, in the autumn of 1860, the originals of which I saw with my own eyes. These documents had been kept and preserved between flat pieces of bark and wood, tied together with buckskin strings and carried about in all their homelessness and wanderings by the Otoes for nearly half a century. The first reads as follows:

THOMAS JEFFERSON,
PRESIDENT
OF THE
UNITED STATES OF AMERICA.

From the powers vested in us by the above authority:
To all who shall see these presents, Greeting:

Know ye, that from the special confidence reposed by us, in the sincere and unalterable attachment of WE-HO-GA, a war chief of the Missouri Tribe, to the United States; as also from the abundant proofs given by him of his amicable disposition to cultivate peace, harmony and good neighborhood with the said States and the citizens of the same, we do, by the authority vested in us, require and charge all citizens of the United States, all Indian Nations in Treaty with the same, and all other persons whomsoever, to respect, acknowledge and treat the said WE-HO-GA and his party in the most friendly manner, declaring them to be the friends and allies of the said States, the government of which, will at all times be extended to their protection, so long as they do acknowledge the authority of the same.

Having signed with our hands and affixed our seals this third day of August, 1804.

M. LEWIS, Capt. 1st U. S. Regt. Inf'y.

WM. CLARK, Capt. of the Mo. Expedition.

The seals were impressed in red wax and attached with blue silk ribbon. That of Lewis is the initials "M. L." intertwined. Clark's is a recumbent stag. Thus we have, by the aboriginal line, a telephone from the Lewis and

Clark expedition up the Missouri river, almost a hundred years old.

Another certificate of the same character was given to "NEE-SWAR-UN-JA or BIG-AX, warrior of the Ottoes," and is dated the 19th of August, 1804, signed, Wm. Clark, Capt. M. E. U. S. S., Meriweather Lewis, Capt. 1st U. S. Regt. Inf'y.

The following is a copy of a declaration made by Clark at a later date, which was wrapped in a piece of a newspaper, "The Republican Farmer," printed at Staunton, Va., and dated Thursday, June 2nd, 1814:

"'He-That-Walks,' of the Missouri Nation, a Chief, visited me at St. Louis, the 25th day of June, and expressed a desire to be considered under the protection of the United States, and on the most friendly terms with the citizens thereof."

WM. CLARK.

Executive Office, June, 27th, 1814.

It will be observed that the newspaper is dated in the same month in which the certificate was given. It was, no doubt, used as a wrapper at the time and had been preserved by the Indians with the same care as the document itself.

The following letter seems to have been given to the chiefs of the tribes when on a visit to Washington City. The signature and date were in Jefferson's own handwriting, the body of it in that, probably, of his secretary.

"My friends and children, Chiefs of the Osages, Missouries, Kansas, Ottoes, Panis, Ayowas, Sioux, Pottawatamies, Foxes, and Sacs:

"Your visit to us at this place has given me great pleasure, and I am very thankful for your having taken the trouble of so long a journey for this purpose. But I hope it will turn out as useful to your own people as to us. I lament, indeed, the loss of several of your Chiefs by sickness. Accident, and the change in their diet and manner of living has probably occasioned this, and the Will of the Great Spirit, to which, we must all submit. Man must die at home or abroad; coming abroad it has happened to

them; at home it might happen to some of you. They are lost, but friendship and a good understanding between your people and the United States are established and our mutual happiness promoted.

"My children, you have had opportunities of seeing many things among us. You have seen how by living in peace, cultivating the earth, and practicing the useful arts, we, who were once but a few travellers landing on this soil, are now a great people and growing daily greater. You too, possess good land and abundance of it. By cultivating that, and living in peace, you may become as we are.

"You have seen here some of the Cherokees and Chickasaws, who are just now beginning to follow our advice to raise food in plenty from the earth, to make their own clothes, to learn the useful arts and to live in peace. Instead of lessening in their numbers, as they did while they followed war and hunting, they now begin to increase, to live in ease, peace and plenty. It will give me great pleasure to see all the other nations of red men following their example and advancing in knowledge, prosperity and happiness.

"We shall do everything in our power, my children, to encourage and aid them in this. We cannot do it at once, and to all, because there are many nations, but we will proceed as fast as we can in furnishing them with what is most useful.

"This is the advice, my children, which I wish you to carry to your nations. Tell them that their father here receives them all into his bosom as his children, that he wishes always to live in peace and friendship with them, doing to them all the good in his power; that above all things he wishes to see them live in peace with one another, that their wives and children may be safe in their houses, that they may have leisure to provide food in plenty from the earth, and to make clothing for themselves, that they may raise children and become strong and happy. Tell them how many days journey you have

traveled among your white brethren, from St. Louis to this place, from this place to Baltimore, Philadelphia New York, Boston and back again; that everywhere they received you as brothers, and have shown to you a sincere friendship. Tell your chiefs, your warriors, your women and children, that they will find in me an affectionate father, desirous to maintain peace and friendship among all his children, and like every good father, unwilling to see quarreling and wrangling and fighting among his children. That we will endeavor to put our trade with them on a fair and just footing, and so prevent their being cheated and imposed on by bad men. And may the Great Spirit take you, my children, by the hand, conduct you back in health and safety to your families, give you to find them in health and happiness after your long absence.

"I give you my words in writing, that you may have them read to your people, preserve them in your towns, refresh your memories with them from time to time, so that the remembrance of them may never be lost, but be handed down to your children."

TH. JEFFERSON.

April 11, 1806.

Accompanying the above, was a copy in French, without signature, also a letter of similar character in the same language addressed to "The Chiefs of the Osages, Missouries, Kansas, Ottoes, Panis, Ayowas, Sioux," with Jefferson's signature, dated January 4th, 1806.

Thus copies of original records made by the hand of Thomas Jefferson, were conserved for more than half a century by the Missouri and Otoe Indians, and now at last find permanent lodgment among the archives of the Historical Society of a State moulded out of the Louisiana purchase. On the 20th (twentieth) of December, 1803 (eighteen hundred and three), New Orleans and all of the Louisiana territory was turned over formally to the government of the United States. And today, I read with reverential admiration, from a letter to Mr. Breckenridge,

dated at Monticello, August, 12th, 1803, these words of that majestic mind which alone of all our patriotic founders clearly discerned and described the United States that was to be. Mr. Jefferson says: "The future inhabitants of the Atlantic and Mississippi states will be our sons. We leave them distinct but bordering establishments. We think we see their happiness in their union, and we wish it. Events may prove it otherwise, and if they see their interest in separation, why should we take side with our Atlantic rather than our Mississippi descendants? It is the elder and younger son differing. God bless them both, and keep them in union if it be for their good, but separate them if it be better.

* * * * *

"When we shall be full on this side—of the Mississippi—we may lay off a range of states on the western bank from the head to the mouth, and so range after range, advancing compactly as we multiply."

Being a citizen of the Louisiana Purchase and a disciple of Jefferson, in a quiet way may extenuate the introduction of another letter of his which was written April 3rd, 1825, just the year previous to his death, to Judge Dabney Carr, of Virginia. This letter, the original of which I own and have in my library at Arbor Lodge, has never been printed. It is characteristic of Mr. Jefferson in many respects, but particularly in the details of reasons why Judge Carr should resign from the bench to become a teacher of law in the University of Virginia. Perhaps from the fact that Judge Carr was his favorite nephew, Mr. Jefferson never wrote a letter with less reserve in it and more naturalness:

MONTICELLO, April 3rd, 1825.

Dear Sir:—The contents of this letter must be an absolute secret between you and myself, not communicable, *as yet*, even to the partner of all your secrets, altho' interested in it.

Would you accept the Chair of Law in the Uni-

versity? Your present place, I know, is honorable and profitable, but our professorship is preferable in every point of view. First, an elegant and convenient house, offices and garden rent free, and which could not be rented for less than six hundred dollars, and quite as retired as if in the Country. Second, a fixed salary of fifteen hundred dollars. Third, tuition fees which after the present year will probably be not less than fifteen hundred dollars, and in some time will very likely amount to double that. Fourth, the most desirable society in the state, for I have never seen a collection of more agreeable and amiable persons, male and female, than that of our professors and their wives, added to that of your old neighbors and friends. Fifth, opportunity of educating your family at little expense. Sixth, constant residence with them. Seventh, a freehold in the tenure quite as firm as in that you now hold, for in that a majority of one in a Court of Impeachment is sufficient to remove, whereas, in our board it requires by law two-thirds of the voters, to-wit: five out of seven votes, besides you know the men and know yourself, and that no tenure can be firmer. Eighth, only two hours of service every other day required. Ninth, and last, a cheap country and a climate congenial to your constitution.

You need not fear the labor of lectures, a part of a text book read and commented on (and none better than Blackstone), and the variations of the Virginia law where they exist, particularly noted, can give you little labor of mind.

But eight or ten students have as yet offered for that school, because it was early known that the Chair was not filled. Your appointment will draw many to it. I suppose that about one-sixth of the whole number of students will be of that school. We are at present sixty, and the summer vacation will probably make us, one hundred for the present year, and the next, I have no doubt, will give us two hundred at least. The comfortable and cheap accommodations and advantage of attending the other ser-

vices will assuredly draw every one of preference to this, rather than to any other law school in the state. Altho' my colleagues have not been specially consulted at this particular time, yet I know their sentiments so well as to have no doubt of their concurrence. Make up your mind with as little delay as you can, and give me an answer. In the meantime, mum.

Ever and affectionately yours,

TH. JEFFERSON."

There is, however, one letter more which is perfect in its tone and taste. This letter, addressed to an infant namesake, dated Monticello, February 21st, 1825, reads as follows:

"This letter will, to you, be as one from the dead. The writer will be in the grave before you can weigh its counsels. Your affectionate and excellent father has requested that I would address to you something which might have a favorable influence on the course of life you have to run; and I, too, as a namesake, feel an interest in the course. Few words will be necessary, with good disposition on your part. Adore God, reverence and cherish your parents, love your neighbor as yourself, and your Country more than yourself. Be just. Be true. Murmur not at the ways of Providence. So shall the life upon which you have entered be the portal of one of eternal and ineffable bliss. And if to the dead it is permitted to care for the things of this world, every action of your life will be under my regard. Farewell,

THOMAS JEFFERSON.

And after all his strenuous and forceful life of nearly ninety years, Jefferson estimated not the political position he had held, prided himself not upon the things which he had acquired, so much as upon those which he had in behalf of mankind so luminously accomplished. Therefore, when he wrote the inscription for his own tomb, he mentioned no office held by him, but said:

"Here was buried Thomas Jefferson, author of the De-

claration of American Independence, of the Statute of Virginia for Religious Freedom, and father of the University of Virginia."

Those three works he regarded as the crowning glory of a life. That the United States may be blessed with more great citizens who shall esteem higher the public weal than the attainment for themselves of public position, is the earnest aspiration of every lover of his country in all this broad and bountiful Union of States.

We need men of mental and moral courage, who shall study what they can do *for*, rather than what they shall get *from* the commonwealth. Public affairs call persistently for public men who shall have fixed economic views for which they are willing to forego offices, in behalf of which they are ever ready, with reason and with fortitude, to face popular clamor, and if need be, meet popular defeat. Men who esteem it more honorable to adhere to principle, and meet disaster, than it is to trim, to pander to popular vagaries and compass victory by deceit, will at last be honored in history.

Such a man was Thomas Jefferson.

THE LINCOLN PUBLIC LIBRARY, 1875-1892.

Paper Read Before the State Historical Society, Jan. 10, 1893, by Mrs. S .B. Pound, of Lincoln.

The Lincoln Public Library and Reading Room Association, the embryo of the present city library, was organized towards the close of the darkest period in the history of Lincoln, the year 1875. No just conception can be had

of its early struggles and privations without a review of that period.

As is well known to those who lived in Nebraska at that time, the summers of 1873-74 had been dry, the crops were poor, and what the drouth and hail had spared, was taken by the grasshoppers. The winter of 1874-5 was severely cold, the thermometer during the months of January and February standing for many days at a time below zero. It was a time most painful to remember. There was the long and constant appeal for help, from the poor and suffering during the winter, and the gloomier prospects of the spring to come.

Who can picture to himself today the Lincoln of 1875? Upon the square was a pile of stones and an excavation, the beginning of the present United States court house and postoffice. On each side of the square were a few business houses—perhaps a dozen in all. Three or four of these were of brick or brown sand-stone, the rest hastily erected frame buildings, that seemed ill adapted to withstand the strong winds that would blow with constantly increasing fury from the south, and then with a sudden veer, would come with redoubled energy from the north.

At the southeast corner of O and Tenth streets, the eye, wearied with the unpleasant repetition of square-front, white frame grocery stores, found rest; for there, in all its fresh new beauty, stood the First National Bank building, called the State block. O street, between Tenth and Eleventh, had begun to assume something like symmetrical proportions. It contained five or six brick blocks, the finest of which was the Academy of Music. Business ended at Twelfth street, where stood Hallo's opera house; and the croakers—of whom there were many—wondered why he had located it so far east, and said that business could never stretch beyond that distant point. A few of the more sanguine said it might possibly reach Fourteenth street.

The High School building recently finished was thought to be too large by some, who advised turning it into a Methodist Seminary, and building two smaller ones. There were five hotels, some of them very good for the times; the Atwood, the Metropolitan, the Clifton, the Commercial—a part of the present Capital hotel—and the Tichenor, now known as the Oriental. The churches were all frame structures, and occupied their present sites with the exception of the Presbyterian, Baptist and Christian. Residences were scattered promiscuously over the prairie, apparently by accident. The most thickly settled part of the town lay between F and R streets and Eighth and Seventeenth. A very few were sufficiently aristocratic to own brick houses, but the majority were either square cottages or the regulation four-room, story and a half structures, such as may still be seen on M, N and P streets. The title to "the disputed eighty" had not yet been settled, and on this barren looking spot stood one lonely house, the unfinished brick built by George Smith, the jeweler. There were few well defined streets. The roads ran as best suited the convenience of the public, and that might be directly across one's front or back yard.

This was Lincoln of January 1, 1875, looking ahead with gloom and foreboding at the approaching session of the legislature, yet brave enough to celebrate New Year's day by "keeping open house."

The new year opened badly. There was first the mutiny at the penitentiary, which brought that institution into unpleasant prominence at an unfortunate time. Next stalked forth the grim spectre of Capital Removal, which staid constantly by and never vanished until the adjournment of the legislature. Once during that dreary time, the local editor of the State Journal had the courage to record the following "magnificent improvements" that were to come with the approaching spring: The building of the Holmes block on Eleventh street between O and N, and the Lamborn and Wittman blocks on the east side

of the square, and then he breaks forth into the following pleasant refrain: "All these things speak well for the future of our beautiful new city, and we advise those who wish to make good investments to come early and secure good seats."

The spring was cold, backward and rainy, but not cold enough to destroy the young grasshoppers or retard their growth. Yet one reads with pleasure in the old files of the State Journal that through the energy of Mr. H. J. Walsh, a subscription was raised and the citizens celebrated Arbor Day, May 3, by planting trees on the capitol grounds. One also finds about the same time a published statement of the expenditure of \$59.25 raised by the same gentleman to plant trees on the university campus.

Beside the rain and the grasshoppers fresh troubles were in store for the citizens of Lincoln. These came May 9, with the meeting of the constitutional convention. First and foremost was always the question of capital removal, and now in addition to this was the agitation suddenly sprung by the Omaha Republican, which advised the closing of the State University for five years, in order to give the high schools of the state a better chance, and to save expenses. This, perhaps, might be called the turning point in the history of Lincoln, for it was at this crisis, through the untiring energy of the Lancaster delegation, that by the submission to the people, of what is known as the capital coupon, the question of capital removal was finally laid to rest.

The summer of 1875 was probably the rainiest ever known in the annals of Nebraska. The rain gauge at the college farm registering for June alone 5.88 inches. Salt Creek was out of its bounds the most of the summer, and once during the month of June, the high water reached nearly to the Metropolitan hotel.

By July 1 the last hopper had flown, the continuous wet weather hurried along vegetation, and where a few weeks before starvation seemed to stare one in the face, now

crops promised abundance. The fall was probably warm and dry, for in the State Journal of September 20, the editor warns the people against the danger of prairie fires, and very soon after the fire company burned a cordon around the town. The greatest calamity of the year was the burning of Hallo's opera house, on the evening of October 5. With characteristic energy, the people immediately subscribed \$10,000.00, and October 12, Mr. Hallo began tearing away the old walls preparatory to rebuilding.

It was about this time that the people began to agitate in earnest the subject of a public library and reading room, and to urge the consolidation of the young men's library and lecture association, and the ladies' library and reading room association. These two associations, organized at nearly the same time, were working in different directions to accomplish the same end. The first had, during the winters previous, given the people the benefit of many excellent lectures. The second, organized immediately after the temperance crusade, had maintained for a time a reading room on Eleventh street, just south of Harley's drug store. This, on account of hard times, was discontinued in April of 1875. The ladies, however, did not relinquish the project, but held a meeting May 8 in the interest of their association. The earliest mention that one finds of the plan of consolidation, is in the State Journal of July 27. The editor says, "We hope those who have been agitating the city library question will not give up the undertaking, but will see that the library becomes an assured fact the coming fall. By a union of the ladies' reading room association and the Lincoln lecture association, the matter can be accomplished without extraordinary effort."

About November 15 things took a definite shape, and a meeting was called at the white school house on Eleventh and Q streets for the purpose of "establishing and maintaining a public library and reading room." The following persons were appointed a committee to draft a consti-

tution and by-laws: E. J. Cartlege, J. C. Ellis, H. W. Hardy, T. H. Leavitt, O. A. Mullon and L. J. Bumstead. Their report can be found in the State Journal of December 9, 1875. In this report they state that "they have held 8 lengthy sessions," that "they had extended an invitation to the officers of the Lincoln lecture association to meet with them," that "the invitation had been cordially accepted," and that "at one of the meetings N. S. Harwood had presided." They further state that "impressed with the profound sense of the importance of the interests under consideration, not only for the present, but for the future citizens of this city and vicinity," they "had applied themselves to the matter accordingly, and with the purpose to suggest and provide for such a plan of association and operation as should serve for a good foundation on which to build safely and surely, and with reasonable prospects of steady growth and permanent endurance." They called attention to the difficulties which beset the enterprise, on account of the newness of the town, the complex character of its inhabitants, and the difficulty of providing ways and means, especially at a time when it would seem most difficult in view of the disasters of the two previous seasons. In submitting a constitution they strongly recommended to the citizens that "no hasty action should be taken," and above all that "no division of interest should be allowed." They commended the work of both associations, and suggested a way by which they could be united.

This report was read and approved at a meeting held December 12, at the Academy of Music. The meeting was called to order by E. J. Cartlege, and Chancellor Benton presided. Speeches were made by J. R. Webster, Judge O. P. Mason, N. S. Harwood and others. As an incentive to prompt action on the part of the citizens, Mr. Webster alluded to the record the town had already made, especially in the matter of railroad building. He said, "If there is a railroad building anywhere, we want one end of it, and we want part of every good thing and generally get

our share." Judge Mason followed, and, mentioning the \$10,000 so easily raised by the citizens for the new opera house, thought \$2,000 ought to be raised without difficulty for a public library. Mr. Harwood, reporting for the lecture and library association, said that "about two years and a half before the association had been organized with the intention of starting a public library. As yet the lecture association had been unable to do so;" "that it was, however, in a flourishing condition," and that "the members were heartily in sympathy with any measures that would lead to the establishment of a public library and reading room."

Donations of books and money were called for; promises of assistance previously made were renewed. The best gift at this meeting was a set of Appleton's American Encyclopedia donated by Prosper Smith. A committee was appointed to canvass the town, and the meeting adjourned to meet December 18, at the same place.

At this meeting N. S. Harwood presided and O. A. Mullan acted as secretary. The chairman of the canvassing committee reported that they had "secured twelve life members, and one hundred and thirty annual members, amounting to \$984.00." That "the citizens had responded willingly; and had promised more aid in the future." The committee on permanent organization reported the following names for officers: President, N. S. Harwood; Vice-President, Mrs. Sarah F. Harris; Secretary, Mrs. Ada Van Pelt; Treasurer, H. W. Hardy; Trustees, Joel L. Franklin, Otto Funke, O. A. Mullan; Directors, C. H. Gere, T. H. Leavitt, J. R. Webster, S. S. Brock, Miss May Bostater, Miss N. Cole.

The first meeting of the board of directors was held December 20, at the office of Tuttle and Harwood. At this meeting the following committees were appointed:

Furniture and Room—Otto Funke, J. L. Franklin, H. W. Hardy. (The names of Miss Cole and Miss Bostater were subsequently added to this committee.)

Library—T. H. Leavitt, C. H. Gere, J. R. Webster.

Reading Room—O. A. Mullon, H. W. Hardy, S. S. Brock.

Finance—J. R. Webster, J. L. Franklin, S. S. Brock.

The next meeting of the board of directors held December 30, at the same place, voted to rent the entire second floor of the Briggs block—the one occupied at present by J. B. Trickey & Co.—at \$240.00 per year. The secretary subsequently records that the lease was drawn by J. R. Webster.

When the bells rang in the Centennial year, the Lincoln public library and reading room association was practically established. There being no provision in the statutes of Nebraska for the founding and maintaining of public libraries, it was of necessity a subscription association. The two old associations had combined. The ladies turned over their property consisting "of some articles of furniture, fixtures, etc., and \$21.00 in cash." The young men of the lecture association gave the proceeds of their lectures amounting to about \$300.00 to the book fund, making their own selection of books.

On January 28, 1876, the library was ready for the public, and Mrs. Van Pelt the librarian commenced to give out books. "The floor was covered with a bright red ingrain carpet," there was a "table covered with green cloth at each end of the room," and "the walls were hung with pictures donated by members of the association. On the shelves were 367 books." The library was kept open on Sunday, the directors serving in alphabetical order in place of the librarian. This custom they patriotically continued until the summer of 1882, when the finances were sufficient to allow the directors to pay extra for Sunday service.

March 7, 1876, the librarian made her first report. There were then in the library over one thousand volumes. During the time that the library had been open, 212 books had been drawn out for home use, and 665 used in the room.

May 22, the treasurer reported \$95.42 in the treasury. This amount was increased somewhat during the summer by the proceeds of a lecture and numerous small donations.

The first annual meeting was held November 15, 1876, at the Academy of Music. The whole number of books reported in the library was 1,214. The classification was as follows:

History and Biography.....	185
Science and Arts.....	70
Theological.....	302
English Prose, Fiction and Juvenile.....	241
Poetry and Drama.....	40
Political Economy.....	12
One Set Appleton's Encyclopedia.....	16
Other Books of Reference.....	78
Public Documents and Reports.....	270

Three hundred of these books were loaned by J. P. and W. C. Walton.

Mr. Harwood, the president, made a statement of the financial condition of the association. He said "that it had been started the year previous by subscriptions amounting to nearly \$1,000.00, that it had required the whole of this and \$200.00 beside, for which the association was then in debt, to properly furnish the room, pay rent, librarian's salary, etc." He estimated "that it would take \$1,200.00 to meet the expenses of the year 1877." "That when all probable resources had been exhausted for the coming year, there would still be a deficit of \$500." To meet this he suggested an appeal to the city council.

The officers elected for 1877 were: President, N. S. Harwood; Vice-President, Mrs. John L. McConnell; Secretary and Librarian, Mrs. Ada Van Pelt; Treasurer, M. D. Ballard; Trustee, E. B. Fairfield; Directors, L. W. Billingsley, J. C. McBride, Mrs. Paren England. In March, 1877, Mr. Ballard resigned the office of treasurer and C. D. Hyatt was elected to fill the vacancy.

The first half of the year 1877 the new and struggling library was constantly in arrears. In February a commit-

tee consisting of Messrs. Harwood, Franklin and McBride presented to the city council a petition signed by the principal taxpayers of the city, and asked for an appropriation. This appropriation was passed March 10, and vetoed March 28, by the mayor, R. D. Silver, popularly known as the "watch dog of the city treasury." Of the many reasons given for this veto, three are here given. First, because it would lead to other foolish appropriations and tend to extravagance; second, because of its unconstitutionality, there being no provision in the city charter for such action, and lastly because he "did not think the citizens cared to be taxed to furnish a resort for boys and young men inclined to be wild."

In April, the treasury of the library association being empty, the rent was paid by Messrs. Harwood and McBride. Soon after, the association was authorized to borrow \$100.00, the note being signed by Otto Funke, trustee, and endorsed and guaranteed by J. R. Webster, N. S. Harwood, C. D. Hyatt, and C. H. Gere, "jointly and severally."

It was most fortunate for the city library at this crisis that the newly elected mayor, H. W. Hardy, was friendly to its interests. He had been one of the committee on constitution and by-laws at the time of its organization, and had been its first treasurer. He urged an appropriation of \$100.00, which was promptly passed, only two members of the city council opposing. This appropriation kept the library association alive, until, under the act passed by the legislature February 17, 1877, "for the establishing and maintaining of free public libraries," an ordinance could be passed and a levy made for its support. This ordinance was passed by the City Council and approved by Mayor Hardy June 15. On July 25, 1877, the property of the Lincoln public library and reading room association was conveyed by deed to the City of Lincoln, and the Lincoln Public Library established.

One mill upon each dollar of assessed valuation was the

amount allowed for the library fund. When this levy was made, the library had already incurred an indebtedness of several hundred dollars. The tax not being collected for a year, the board issued warrants and sold them at a discount. The levy being subsequently reduced to three-fourths of a mill, it took until 1888 to pay off the indebtedness and bring the warrants to their par value. In the meantime, in order to raise a book fund, the board of directors were obliged to charge one dollar a year for membership tickets. This method, which often subjected the directors to severe criticism, but which fortunately was never stopped by legal proceedings, was discontinued September 1, 1888, when the library being free from debt, the books were loaned on guaranty cards.

During these eleven years many ways were devised for increasing the book fund, the favorite one being to see who could sell the greatest number of membership tickets. W. R. Kelly, now of Omaha, was always the champion ticket seller, and received numerous votes of thanks for his efficient services.

January 1, 1881, the library was moved from the Briggs block to the second floor of the building long known as "The Little Store," next to the Alexander block at the corner of O and Twelfth streets. In the annual report made June 1, 1881, is found the following: "In fitting up the new rooms in a reasonably attractive style, the board incurred an expense of about \$250.00. Of this amount the citizens donated \$123 for the purchase of a carpet. This liberal action is greatly appreciated by the board, and is regarded as indicative of the estimation in which our library is held."

Here the library remained for nine years, and notwithstanding its poverty, gradually expanded until there was no more room for alcoves, and the reading room would no longer hold the crowd that daily came to the library. January 1, 1890, after a thorough canvass by the room committee for a desirable location, the library was moved

to its present home in the Harris block, on N street, between Eleventh and Twelfth streets.

The first catalogue was published in 1882. The author neglected to read proof, and probably there was never before such a curious conglomeration of mistakes as this little pamphlet contained. One copy still remains in the public library. A supplement to this catalogue was prepared two years later by the ladies of the book committee, the library being too poor to pay for any part of the work except the printing. One copy of this supplement is still preserved. In 1887 the services of S. L. Geisthardt were secured, the books were properly classified, a finding list published, and a card catalogue prepared. The library contained between four and five thousand volumes, and the work was done in such a satisfactory manner that Mr. Geisthardt was afterward appointed one of the board of directors. In 1889, under the supervision of Mr. Geisthardt, a supplement was published to the catalogue of 1887. In September, 1890, the edition of the Geisthardt catalogue being exhausted, and the number of the books in the library having doubled, Miss Curtiss, the librarian, began a new finding list, including also an author's list. As a preliminary to this work, Miss Curtiss first made an accession list, and for the first time for many years the librarian knew the exact number of books in the library. Her next step was a proper classification of the different departments. This classification is preserved in portfolios in the library for future use. She also completed the card catalogue. This work was performed by Miss Curtiss in addition to her regular work as librarian, and took very nearly two years. At last, when the finding list was ready, there was a further delay of two months, for the reason that the book committee was not certain that the appropriation would be sufficient to allow of its publication.

The annual report of 1892 was as follows:

Whole number of volumes, 9,552; aggregate circulation for home use for the year, 73,691; maximum daily circula-

tion, 615; number of books issued for reference, 7,523; visitors to the room according to daily estimates, 63,460.

The following librarians served the public acceptably from January 1, 1876, to June, 1887, at a salary of \$25.00 per month: Mrs. Ada Van Pelt, Miss Laura Cinnamond, Miss Alice Morton, Miss Nellie Ormsbee, and Miss Rachel Manley. From 1882 to 1887 the librarian was allowed one dollar extra for each Sunday. Miss Sarah K. Daly in 1887 was allowed \$35.00 per month. The library was kept open during this time from two to six o'clock p. m. and from seven to ten p. m. In April, 1889, Miss Hattie Curtiss was elected librarian at a salary of \$40.00 per month. The work increasing, \$15.00 per month was allowed for an assistant, and the library was opened two hours in the morning. In May, 1890, Miss Curtiss' salary was raised to \$55.00 per month, and Miss Gertrude Abbott was elected assistant librarian at a salary of \$40.00 per month. Since October 1890, the library has been kept open twelve hours daily, from ten a. m., to ten p. m., and the services of two other assistants secured at a salary of \$15.00 per month.

The first board of directors elected by the city council were C. H. Gere, N. S. Harwood, T. H. Leavitt, C. D. Hyatt, S. W. Chapman, John M. Burks, Mrs. Paren England, Mrs. M. E. Roberts, Mrs. John L. McConnell.

The first officers elected by the board of directors were: President, C. H. Gere; vice-president, John M. Burks; secretary, C. D. Hyatt.

The standing committees were:

Finance—Messrs. Burks, Chapman, Mrs. England.

Book—Messrs. Harwood, Leavitt, Mrs. McConnell.

Room—Messrs. Burks, Hyatt, Mrs. Roberts.

From 1877 to 1891, all the changes in the board of directors, were caused by resignations or removals from the city, no mayor ever thinking to reward his friends, or punish his enemies by making changes in the board.

Mr. Chapman served two years, and not caring for

re-appointment, was succeeded by A. E. Hargreaves. In 1880 Mr. Hargreaves resigned and W. R. Kelly received the appointment. Mr. Kelly will always be remembered for his energy in raising money for the book fund. In 1888, having removed to Omaha, Mrs. Mary M. Doty was appointed to fill the vacancy. Mrs. Doty was a member of the board until 1891, and in many ways proved herself an efficient member.

Mrs. Paren England served until 1879. She is gratefully remembered for her efficiency in collecting arrears of delinquent members, managing festivals, and otherwise helping to fill the treasury, before the city took charge of the library. In 1879, Mrs. England, having resigned and taken up her residence in Colorado, was succeeded by Mrs. Mary Owen. Mrs. Owen's term of office lasted nearly nine years. Six of these, she was a member of the room committee, the other three years of the book committee. In 1887, much to the regret of the other members of the board, Mrs. Owen resigned on account of ill health, and soon after left Lincoln for San Francisco, where she died, November 30, 1888. Mrs. C. F. Creighton succeeded Mrs. Owen, but moving shortly after outside the corporate limits of the city, S. L. Geisthardt, the present secretary, was appointed to the vacancy.

Mrs. M. E. Roberts, the secretary in 1875 of the Ladies' Library and Reading Room association, resigned in 1877 and was succeeded by Mrs. R. C. Manly, the present able president of the Home for the Friendless association. In 1882, Mrs. Manley having resigned, Mrs. L. C. Richards received the appointment and is still a member of the board of directors.

John M. Burks was vice-president and chairman of the finance committee from 1877 to 1882. On his resignation Mrs. S. B. Pound was appointed to the vacancy.

In 1880 the library lost the services of T. H. Leavitt, he having moved to Omaha. Mention has already been made of his services in organizing the public library. To

this may also be added his zeal and success in securing donations of books and money for the library in its infancy. There are many records of these donations, and they did not cease during his four years' residence in Omaha. C. J. Ernst, Jephtha Huddleson, A. P. S. Stuart, and A. G. Scott were his successors. In 1884, having returned to Lincoln, by the unanimous request of the board of directors, he was re-appointed to his old place, made vacant by the resignation of A. G. Scott.

During fifteen years the library had but one president, C. H. Gere, and but one secretary, C. D. Hyatt. N. S. Harwood was chairman of, and Mrs. John L. McConnell a member of the book committee for the same number of years. Mr. Leavitt served eleven years, Mr. Kelly eight, and Mrs. Owen nine years. Mrs. Richards and Mrs. Pound, members of the present board, have also each served ten years.

It was probably well for the public library during its infancy, that there were so few changes in the board of directors, the pioneer board having always been noted for its harmony, patriotism and disinterestedness.

Mr. Gere will always be remembered for his kindness and courtesy as presiding officer. The following shows the appreciation in which Mr. Hyatt was held: "Resolved, That the phenomenal success of the library is due in part, to the faithful and efficient services of its secretary, and these services in this case have been such as to not only merit the approval and thanks of the board, but also the thanks of the public." Mr. Harwood and Mrs. McConnell have their reward in the long rows of alcoves filled with well selected books.

THE ARICKARI CONQUEST OF 1823.

A paper presented before the State Historical Society, January 10th, 1893, by
Hon. W. H. Eller, of Ashland, Va.

I think it was sometime in October, 1821, that the only regiment of American riflemen ceased as a distinct organization and its enlisted men merged into the companies then forming the Sixth regiment of our regular army. The rank and file then numbered less than 600 men. Near three hundred men, whose graves are unmarked, now lie buried in the near vicinity of Fort Calhoun, Washington county, who died by reason of the rigors of the old camp, and most of whom were victims of scurvy in the winter of 1819-20.

I must be permitted to emphasize what I said in my paper before you last January, that this place was not called Fort Calhoun during its occupancy. Further, that while there was a Captain Calhoun in the service at that time, the records do not disclose the fact that he was even present at "Our camp on the Missouri river," during the whole time it was occupied. One more thing is certain, and that is the fact that Governor William Clark, who was then *ex-officio* Superintendent of Indian Affairs, accompanied General Atkinson and Major O'Fallen to the old Council Bluffs, of Lewis and Clark, and chose, as the location of the army and the new Indian Agency, the exact spot where the council was held with the Indians sixteen years before. He knew where it was and made no mistake. Old Fort Atkinson was constructed on its very site in the year 1819; before the snow flew; so don't bother us with foolish guesses upon this question.

The establishment of Fort Atkinson was both defensive and offensive. It was at least six hundred miles in advance of the domains of Daniel Boone in the frontiers of Missouri, and nearly five hundred from Chariton, its nearest post office.

It was defensive as to the outpost itself, and no one can visit the spot without conceding the fact that all the Indians in the Missouri river country could not have taken it with the indifferent musketry they then carried.

It was offensive, because of the policy of the administration, and the object had in view by the Secretary of War in the occupation of a post so distant and inaccessible as this was in the year 1819.

The American State Papers tell us plainly that the British traders and trappers had not vacated the head waters of the Missouri, and that the object of the expedition of General Atkinson was to wrench its vast domains from their intrusion. In this view of the case the establishment of Fort Atkinson was of the utmost importance in protecting the territory acquired by the Louisiana purchase.

The occupation of this outpost by two strong regiments and four distinct detachments of infantry of itself forced the recognition of American rights upon the intruders as far south as the present line of separation of the two Dakotas. Peaceful relations were generally maintained with all the tribes of Iowa, Nebraska, and South Dakota Indians, so that no military operations of consequence were carried on from Fort Atkinson, until July, 1823, and only two expeditions of consequence during the eight years this post was occupied by our regular troops.

This paper is announced as the "Aricari Conquest of the year 1823," and was suggested by the importance belonging to it in our Nebraska, as well as in American, history. No mention of it occurs to our knowledge and still it has equal importance with either the Blackhawk or the Florida war, both of which are kept fresh in all historical records.

In the years of Lewis and Clark's survey, and of the expedition of Mr. Wilson Price Hunt's party, and following them to the year 1823, near the great bend of the Missouri river, and just below the Mandan nation were the camps of the Arickaris, a powerful branch of the old Pawnees, and one of the tribes with whom the Choteaus, Captain Kidd, Emanuel Lisa and other early traders carried on commerce. They also carried on a trade of peltry with British traders whose posts were scattered thickly, from the Red River of the North to the Rocky mountains and from whom they obtained arms and ammunition, before and after the second war between this country and Great Britain. The inimitable pen of Mr. Washington Irving in his *Astoria* has fully delineated the Arickari character. We need but to refer to what was at one time considered almost a fairy tale, for the true Arickari of 1823. Our first acquaintance of importance with that predatory being is gained from the tales of Wilson Price Hunt and his St. Louis traders.

After the second war with Great Britain, John Jacob Astor sent out a second partner, a Mr. Abbot, who arrived in St. Louis while General Atkinson was engaged in collecting his army and supplies, and who succeeded in reorganizing the old Missouri Fur company which had practically been without business in the upper Missouri country since the opening of hostilities in the year 1823. In this new organization are found the names of Benjamin O'Fallen, John P. Pilcher, Thomas Hemstead, and D. Perkins, all of whom were of St. Louis. Of this company Dr. Pilcher was both president and manager. In the year 1821, and each year in succession, these gentlemen either sent out or conducted an expedition into the upper Dakota country to trade with the natives and gather furs. Prior to that time they did not get so far, and in the year 1819 probably proceeded with the old steamboat named the *Calhoun* but which did not pass the mouth of the Little Platte river, owing to its weak construction, and did not

reach Fort Atkinson until the spring of 1820. The company, however, proceeded with General Atkinson and Governor Clark and established the old trading post, the mark of which is still well defined in the old camp of General Atkinson's army. The post remained at this point until the year 1823, when it was moved down to Bellevue; and thus commenced the occupation of this point as a permanent trading post. This afterwards became the Indian Agency of all the tribes in the vicinity of the mouth of the Platte river.

About the year 1822, Mr. Ramsay Crooks, who was a passenger with the party of Mr. Hunt in the year 1811, became a partner in the American Fur company, and went over the whole length of the Missouri river trading posts. With him came Colonel Peter A. Sarpy, who was for more than a quarter of a century afterward the company's agent at Bellevue. The New Missouri Fur company and the American Fur company were both substantially owned by John Jacob Astor and were practically one and the same thing.

General W. H. Ashley who was a native of Powhatan county, Virginia, the first lieutenant governor of Missouri, together with other gentlemen, about the year 1821 organized the Rocky Mountain Fur Co. He was engaged in fur trading and Missouri politics up to his death, some time in the year 1838. His first expeditions in the years 1822 and 1823 were in Cordelle flat boats, from St. Louis to Fort Atkinson, and from there to the Yellowstone country, supplying his "forts" and post traders. With him generally went from 80 to 150 attendants, frontiersmen, French tradesmen and servants. Steamboats but rarely if ever passed Fort Atkinson, owing to the rapids between its bluffs and Shingle Point, and to the fact that the channel was considered extraordinarily hazardous by reason of hidden snags, and dangerous to the transportation of valuable cargoes.

During his expedition in the year 1822 he took occasion

to flog an Arickari horsethief thinking by that means that he could the better intimidate that predatory thieving tribe and put an end to this method of interfering with the rapidity of his trading operations. The indignity was soundly borne in mind by the whole tribe and by neighboring tribes until the return of the trading expeditions in the spring of 1823, and was the prime cause of the trouble that ensued that year.

In the spring of 1823, Dr. Pilcher also sent out an expedition under Messrs. Immel and Jones and some forty men, with some \$50,000 worth of traders' goods, and they were returning down the Yellowstone river at the time General Ashley and his party were ascending the Missouri above old Fort Pierre.

Major Henry who was lost in the Rocky Mountains in the year 1811, and was afterward rescued, and who later became a member of congress from Missouri, had a "fort" at this time just above the mouth of the Yellowstone river, and was also engaged in the fur trade. He had in his employment a retinue of watermen and assistants who were also the guards of his post and were maintained at private expense.

The Crow and Blackfoot tribes learning of the advance of General Ashley and his party, entered into a conspiracy against the three companies named. When General Ashley reached the vicinity of the Arickari villages there were some 600 warriors near them and about 400 of them were armed with British fusees. They had, however, an indifferent supply of powder and ball. When General Ashley came in sight these Indians made signs of barter, and one or two of his boats landed while the remainder were at anchor in the stream. The Indians made representation that they wished to go on a big hunt and desired to trade for powder and ball. General Ashley had all his force with him except about forty *voyageurs* who through fear remained with the boats at anchor. The Indians feigned good nature until they had secured the ammunition

desired. One by one his trappers were missed until the General became alarmed for their safety, at which the Indians became demonstrative. In a very few minutes every cottonwood tree in the vicinity of the boats was covered by a British fusce in the hands of an Indian marksman. The firing became general and the traders soon lost thirteen of their number killed, and nearly every man engaged was wounded. The men were panic-stricken and the boats dropped down the river to an island and fortified themselves, awaiting a second attack. The Indians repaired to their nearest village and fortified.

About the same time the Blackfeet waylaid Immel and Jones who were killed in personal encounters during the action that ensued. Some six trappers also fell the same day. This party lost all its horses and peltry, valued at some \$15,000.

The Fort of Major Henry was also assaulted, and although the Indians were repulsed the defenders lost some five killed, and as many wounded.

Most of the letters concerning this outbreak are compiled in the second volume of American State Papers, War Department, and contain most that is now known of the military operations that followed. Letters were written Major O'Fallen and Dr. Pilcher imploring the aid of the military. The first great expedition was soon on foot from Fort Atkinson into the Arickari country to aid the volunteers and trappers under General Ashley. Fort Atkinson then had only the Sixth regiment and detachments of artillery, all under the immediate command of Colonel Henry Leavenworth. The Fort proper was commanded by Major A. R. Woolley. The outbreak occurred June 4th, 1823, and by July 3d, Colonel Leavenworth and part of the Sixth regiment left Fort Atkinson for the seat of war several hundred miles distant. Artillery and stores were to follow by Cordelles and Mackinaws in a few days. The lower Sioux Indians under their chief, White Bear, soon joined them to the number of 700

warriors. The company of Captain Ben. Riley, under his command, proceeded with the boats to guard the stores. They retained the rifles of the old organization and were destined to take an important part in the conflict.

General Atkinson was at this time in general command with headquarters at St. Louis, and Colonel Leavenworth forwarded all dispatches to him, also asking for reinforcements. By July 10th, troops were on the move from Baton Rouge and other points on the Mississippi river to support Colonel Leavenworth.

In the action with General Ashley the Arickaris lost a great many men. Their warriors were brave and determined and swimming out into the river actually laid hold upon the boats to enter them, and were shot without mercy, or killed with clubs, or drowned, making their loss very great.

Among the trappers were some men who afterwards became noted as scouts, and among whom were such men as "Old Bill Williams," William Sublette, "Peg-leg Smith," Bill Gordon, the Fitzpatricks, and probably the outlaw, Rose, mentioned by Irving. Here began the pioneer experiences told in so many tales of the west, overshadowed only by the more stirring politics and wars nearer the states. These hardy fellows organized a volunteer company and were commanded for some weeks by Captain Vandenburg, and upon the arrival of Colonel Leavenworth at once took their place in the field of action.

On the 8th of August, 1823, the army of Colonel Leavenworth reinforced by Captain Riley and his ordinance and stores, arrived in line in sight of the Arickari village, fully prepared for the struggle. White Bear and his Indians took the advance surrounding the village as skirmishers. The chief, Gray Eyes, commanded the Arickaris. The story books tell us that these two great chiefs in full view of the army met in mortal combat, but the account of Colonel Leavenworth is the only truthful state-

ment of the mortality. He states that Gray Eyes was killed in the first fire.

Captain Riley with a company of riflemen and Lieutenant Bradley with a company of infantry took possession of the hill above the village. Lieutenant Morris with a six pounder and one five and a half inch howitzer opened fire on the lower town. Lieutenant Perkins with another six pounder, reported to Captain Vandenburg at the upper town, and these pieces created consternation among the savages there. The ricochet of the round shot and the explosion of an occasional bomb greatly excited the Arickaris who had never heard or seen the like before. It was reported that one of these round shots killed Gray Eyes but that is now only conjecture. He was killed—that is certain. The troops advanced to within 100 steps of the Indian defences and stood without danger—so great was the Indian consternation and terror from the big guns. This continued during the 10th and 11th, while an occasional shot would cut through a wigwam and bound through the villages.

On the 11th leave was given the Sioux to enter the Arickari cornfields, and by the 12th they began to skulk and hide, and in a few hours they openly abandoned the service from some unaccountable cause. At 8 o'clock a. m., of the 12th, Major Atkinson's company and General Ashley's volunteers obtained permission to enter the cornfields to satisfy their hunger, the latter having had nothing to eat for two days.

The Arickaris, having lost about forty men killed, and their chief among the number, his successor, Little Thunder, quietly left the camp with his followers and was out of reach by daybreak of the 13th.

Colonel Leavenworth was blamed for permitting this evasion of punishment, but history has fully vindicated him, as it was an end of hostilities in this vicinity from that year until some time after the year 1861.

On the 15th of August, the army of Colonel Leaven-

worth embarked in its Mackinaws and returned to Fort Atkinson by the 29th.

The fur trade assumed great proportions in the years following 1823, and brought fortunes to the American Fur company, and to enterprising citizens of St. Louis. It was carried on until the greater discovery of gold in the Pacific slopes grew to be a matter of superior importance.

General Atkinson and Major O'Fallen with about 400 men passed up from St. Louis to Fort Atkinson early in the spring of 1825 and made treaties with all the upper Missouri tribes, which treaties were all respected by the government, and hence the thirty-five years of peace that ensued.

SOME FRENCHMEN OF EARLY DAYS ON THE MISSOURI RIVER.

A Paper read before the State Historical Society, January 11, 1893, by
Hon. J. A. MacMurphy, of Omaha.

As late as 1857 the American Fur company was quite a power in the north-west country; in former days it had been almost absolute. Its headquarters were in St. Louis, Missouri, and it had forts and trading posts on the upper Missouri, while its employes wandered up and down the river, to and fro, from St. Louis to the mountains, at that time. Through Nebraska many of these old employes had settled on the banks of the river; some were ferry-men, some had little farms, and some kept store, or still hunted and trapped for a living.

These employes were of two entirely distinct classes; one, the superior, or governing class, had charge of the trading posts, made trips into the Indian country for furs, and handled a great deal of property, besides being law-givers and rulers as far as their posts or domain went. The other class were mere workmen; they cordelled the flatboats up the river, did camp work, or hunted and trapped with the Indians for the company. Among the former class were two men who were very intimately connected with the early history of Nebraska. I allude to Peter A. Sarpy and Clement Lambert. Sarpy was generally known; a county is named after him, and he lived at Bellevue, its county seat, for years. Of Lambert, for reasons I shall mention hereafter, not so much is known, and yet he was an important figure in a very important transaction in an early day. In 1857 both Lambert and Sarpy were keeping little trading posts at Decatur, Nebraska, on the southern boundary of the Omaha Indian reservation.

Lambert's name was pronounced Lombare in French, corrupted to "Lumbar" in English, and "old Lumbar" for short, and so I shall call him in this paper.

Now let me digress a moment, and tell you how I came to write these matters at all. Many of you have read Mr. George W. Cable's *Grandissimes*, and know that Mr. Cable has the most wonderful faculty of imitating the dialects, brogues or patois of different nations; especially is he good at that Creole French of New Orleans or St. Louis. He pictures it right out so you can see the men; as I read the *Grandissimes*, the old Frenchmen came back to me, and I could see again the faces of Lambert, Sarpy, Paul, Antoine, Baptiste, "Mishell," and a dozen others long passed over to the majority, and hear again that short, clipped patois, half French and the rest English and Indian, they used to speak.

I would read, and laugh, and chuckle, and my wife would say "What are you laughing at?"

"Oh, I am laughing at these old Frenchmen, here."

The Grandissimes are an old Creole family of Louisiana, in straightened circumstances, and one of the younger members takes to clerking in a drug store, you remember, for a hated Yankee. This young fellow, though doing menial service as he thinks, never forgets he is a Grandissime, and also imagines he is an artist. He paints a picture and puts it in the store window for sale; it does not sell, but his employer, pitying his enthusiasm, slyly buys the picture, and his artist heart almost bursts with joy. He tells everyone that comes in "What you dink, Clement, I sol' my pigshoo," or "Yas, Victoire, I sol' my pigshoo, yasserday."

Bye and bye important events occur in the Grandissime family and it becomes necessary to identify certain dates by this young man—oh yes, he remembers the incidents, and places them all from the date when he "sol' my pigshoo." "Yas, I 'member him, sartinly, dat was the day I sol' my pigshoo."

[NOTE]—Mark Twain says of Mr. Cable: "He is the only man in the rendering of French dialects that the country has produced, and he reads them to perfection. It was a great treat to hear him read about Jean-ah Poquelin, and about Innerarity and his famous 'pigshoo,' representing 'Louisihanna riffusing to hanter the Union,' along with passages of nicely shaded German dialect from a novel which was still in manuscript." At the time of writing this I had never read Mr. Clemens' book, though.

In the summer of 1857 two of the French employes I told you about, of the working class, started from a fort on the headquarters of the Missouri river in a canoe, to come down to St. Louis to draw their money for three years' trapping, etc., to have a good time, and return to the mountains for another two or three years' toil.

One morning they camped on a little island just above the mouth of Wood Creek, near the town of Decatur, in Burt county, this state. After cooking their frugal breakfast they put their traps in the canoe and travelled off,

one Frenchman in the bow, and the other in the stern, paddling and steering the canoe.

There was another peculiarity of these men; they always wore the same clothes summer and winter, and generally a fur cap of some untrimmed native skin. In the broiling sun of July this cap was there, and in the middle of December just the same. One of these Frenchmen, however, thought he would make an innovation upon that custom, and while laying off at Sioux City he went up town and bought him a cheap, broad-brimmed straw hat. On this summer morning as they paddled out from the island the canoe ran under some willows, the broad-brimmed hat flopped in the wind, caught on the willows, the man with the paddle threw up his hands to save the hat, the canoe made a bobble, and over they went. One Frenchman scrambled out to shore, the other was never seen again.

As we were sitting round our man-cooked, home-made breakfast that morning, in rushed this dishevelled and saturated Frenchman and in voluble St. Louis patois, poured his story into his countrymen's ears.

When I could get round to the English of it, this is the way he told it, (always presuming I have not Mr. Cable's faculty of reproducing the exact idiom):

"Yas, we pull out from de leetle ile. I was in de bow, just goin' to lite my pipe, Paul, he was steer canoe. Paul's hat, he ketch on bush, Paul throw hees hand up—over we go—and den I los' my pipe."

"And what became of Paul," was asked.

"Paul! oh, Paul, he was drown, and all the pape in hees pocket for our mon' in St. Louis—and I los' my pipe."

Twenty times that day did he tell that story; as one after another dropped in, and always wound up with—"den I los' my pipe."

"And where was Paul?" each one would ask, and the same answer—"Oh, Paul was drown—and I los' my pipe."

Mr. Cable's Frenchman that "sol' his pigshoo," and my

Frenchman "dat los' his pipe," reminded me so much of one another that I sat down and wrote Mr. Cable this story, as well as I could, and complimented him on his imitation of Creole lingue.

He very kindly answered me from New Orleans, saying he was very much pleased with my letter, and advised me to write up at once all I could remember of that period, and place it where it would not be lost.

Here is the letter:

NEW ORLEANS, August 2d, 1893.

Jno. A. MacMurphy.—DEAR SIR: Thank you much for your hearty appreciation of my Creole sketches. Your letter and accompanying memorandum are very interesting. They give me the desire to hear more about those far western Creoles whom you knew. A question that comes to me is, were these men from Canada as their earlier base, or from lower Louisiana? Were they of that Franco-American civilization whose bottom idea was self maintenance, or were they of that other Franco-American social system whose fundamental idea was slaveholding? What were their geographical limits as you first knew them, and what their dress and mode of life and grade in the social scale? What kind of houses had they, and what has become of them?

Now I am not asking you all these questions, but I cannot but suggest them as the frame on which one might hope you would take the trouble to make a newspaper or magazine article that would be replete with entertainment. Cannot you be persuaded? If so, don't forget to let me know where to find the article when it appears."

[Although Mr. Cable's letter was private, it is so entirely a matter of inquiry, I take the liberty of printing it.—Author].

By the way, a few words about that pipe. The younger reader will be puzzled to know why the Frenchman felt its loss so much. At that time pipes of the red sandstone of Minnesota, of Indian make, handsomely carved and

ornamented, were very valuable. The place where this pipe stone was found belonged to the Sioux, and our Indians, Omahas and Pawnees, could not get these pipes, except through them, and an outsider hardly at all. An Indian frequently gave a pony for a pipe, or other traps valued at even a hundred dollars were traded for one of these pipes, especially if it had been blessed, as you may say, by a great medicine man of the tribe. Such a pipe, with its cabalistic symbols, tassels, brass-tacked and carved wooden handle, was almost unpurchasable from the lucky owner. In fact, some Indians or Frenchmen would quicker trade a squaw off than such a pipe. So, you see, the Frenchman's loss was considerable, and no chance to procure another probable.

There lately lived an old man in New York City, I am told, with iron-gray hair, yet with erect figure, flashing eyes and elastic step, though more than seventy winters had passed over his head. His name was John C. Fremont; he is dead now. He was the first candidate for President of the United States on the republican ticket, in 1856, against Buchanan, and was defeated by him, of course. Before that he had acquired the title of "The Pathfinder," because he led an expedition across the plains from the Missouri river to the Rocky mountains in 1842, and was the first white man known to have crossed this then untracked wilderness, where now the state of Nebraska grows and increases yearly.

Fremont must have been of an adventurous spirit from his youth. At all events, through the influence of his father-in-law, Thos. H. Benton, and others, the government was induced to make an appropriation for an exploring party to see what this country was made of, and Fremont was placed at the head of it.

Now I must change my program, or rather, drop several pages of my manuscript; and to show the tricks memory plays us, trusting to what Lumbar had told me from time to time, I stated that Fremont's expedition started

from Colonel Peter A. Sarpy's old trading-post at Bellevue to pass up the Platte, but on reading the official report, I find that Fremont must have struck the Platte this side of Grand Island, and passed through Nebraska westward.

Two of our characters were members of this famous expedition; Clement Lumbar, mentioned before, was Fremont's lieutenant, and Kit Carson was the hunter, and one of the guides of the party. At this time Lumbar was really better known than Carson, but each was jealous of the other, and thoroughly disliked the other, as will appear further on. At all events, Lumbar was one of the most important men in the expedition. At that time I suppose he knew more of the country west of the Missouri river than any other man in the expedition. He and Lajeunesse were the two guides most depended on by Fremont; Kit Carson being really engaged as hunter for the party, as he was famous for that. He was to keep them in game, and on this point my story now turns. According to Lumbar they must have struck the Pawnee village near Columbus or Genoa. Wherever it was they stopped two or three days with the Pawnees to rest and recruit, and a great feast was made for Fremont and his men. Presents were passed, dances held, and all the paraphernalia of a grand Indian rejoicing. As they sat down to the big feed, a boiled dog's head, grinning and bare, was placed before Fremont on a rude platter; he turned to Lumbar and said in French, "Mon Dieu, what is this?"

"Boiled dog's head," says Lumbar.

"What am I to do with it?" asked Fremont.

"Eat it," says Lumbar.

"I can't," answered Fremont.

"Give it to me, I can," says Lumbar.

So the dog's head was passed over to "old Lumbar" and he ate it.

Now it was an Indian custom that the man who ate the dog's head should receive the biggest and most valuable

present of the lot; Lumbar knew this and it made him more ready to eat dog. Fremont did not know the custom, or did not care, at all events. On going outside the lodge, Lumbar found an elegant black horse, much above the average of Indian ponies, tied to the lodge poles, and at once took possession of it, the Indians supposing, of course, as Fremont passed the dog's head to Lumbar, he wanted him to have the horse.

Long after this on their weary journey, when the grass had given out, the ponies were footsore, and the men discouraged, this horse and Lumbar came into play. For days they had no game, no meat, and the men began to grumble. Fremont sent for Carson, and asked the reason, adding, "Mr. Carson, I thought you said you could get game anywhere; the men are out of meat, starving. I have seen antelope and even buffalo in the distance; why don't you get us some meat?"

"Colonel," said Carson, saluting, "There is no game here but what must be hunted with horses; the horses are all run down, wore out; there is no grass, no water, they can't hunt, I can't get meat; there is only one horse in camp fit to ride."

"Why don't you get that horse and bring in some meat?"

"Colonel, that horse belongs to Lumbar and he is an enemy of mine, and won't let me ride him."

"Send Mr. Lumbar to me," said Mr. Fremont.

On Lumbar's appearance Fremont said, "Mr. Lumbar, is it true that you have a horse here, fresh and strong, and won't let Mr. Carson ride him?"

"Colonel," said Lumbar, in turn saluting, "that horse is mine, it was given to me, it doesn't belong to the government, and as long as I own him Kit Carson can never straddle him."

"Mr. Lumbar, what will you take for that horse?"

"Two hundred and fifty dollars."

Whereupon, according to Lumbar, Fremont went into his quarters and wrote an order on the U. S. Quarter-

master, at Fort Leavenworth, for two hundred and fifty dollars, and Lumbar afterwards got this amount in gold.

Carson took the horse and soon found meat for the camp.

I cannot vouch for these facts, but I have heard Lumbar tell the story dozens of times, and chuckle to himself over his nice little game, not thinking that it was this unfortunate temper and jealous disposition that prevented his promotion and fame afterwards; for, whereas, Kit Carson became a great scout, fought in our war and was governor of New Mexico, dying full of honors and glory; of poor Lumbar little has ever been heard.

He was of a suspicious and exceedingly jealous nature, and very hard to get along with. This stood in his way all through life. In fact, nearly all those old Frenchmen were similar in disposition. Peter A. Sarpy was very peculiar, and as hard to manage as Lumbar, only he had more education, more tact, and could, when necessary, conceal his suspicions and control his temper.

On October 1st, 1842, the expedition returned to the Missouri river, and this time really to Sarpy's old trading-post at Bellevue. Sarpy, with his staff, as you may say, rode out some distance to meet them, runners in advance having informed him of their whereabouts. He carried a keg of liquor, and plenty of tobacco. Lumbar said it was the first of either some of the men had tasted for months. They reveled in it, you may be sure.

One story of Sarpy, which, as he is dead, and it is a matter of history, ought to be told. "Way back in the earlier days, before even the post at Bellevue was built, Sarpy was trading near one of the United States forts on the Missouri river. Here he fell in, and became very intimate with, a regular army surgeon named Gayle; in fact, they became cronies. Gayle, as was sometimes the custom then, had taken to himself a very comely and superior young squaw, named Nekoma, and they had one child, Mary. When this child was about five years old, Gayle,

who was an Englishman by birth, fell heir to a fortune, and some said a title, in England, and it became necessary for him to obtain a discharge and proceed to the old country. He wanted very much to take the child along, but could not make up his mind to take the mother over to his friends and family. Nekoma became aware of this, and secreted herself and child so securely that neither could be found when wanted. Gayle stayed as long as he could, and on the evening of his departure, he visited Sarpy, and giving him some money, bound him solemnly to take care of the squaw and child.

After Gayle had gone Nekoma came forth, and having been, as one may say, bequeathed to Sarpy by her former friend, she became his squaw forever after, faithful and true. She was a woman of great force of character, and was almost the only one that could do anything with Sarpy when he got into a tantrum, or of whom he was afraid. I have been told she once "packed" Sarpy a long distance on her back, when he was seized with a fever out on the plains, and his Indians and men deserted him. Mr. Henry Fontenelle denies this, or had never heard of it, but I did, often; also, stories of Nekoma's jealousy. She generally had things pretty much her own way, but once in a while the old man would get on his ear, and try to be boss, and then there was a row—the employes held their breath and walked on tiptoe about the premises until peace was made again between the high contending parties.

Once, at Bellevue, so said Mr. Englemann, Sarpy had refused her some blankets and calico she wanted. Madame Nekoma marched into the store, with that look on her face that bade the clerks stand aside, and grabbing several bolts of calico, she made for the Missouri river and heaved them in, declaring, in Indian, she would clear the store out in the same way. Before she got her second load to the bank Sarpy gave in and told Englemann to let her have anything she wanted. Another time at old "Traders'

Point," Sarpy became very friendly with an English widow; he bought a fine buggy and a famous black mare, "Starlight," with which to take the widow riding. This did not suit Nekoma, and one day when the black man "Joe," brought the buggy to the door, she appeared suddenly at the horse's head, with a knife in her hand, ordered Sarpy to get out of the buggy and go back to the store, and Joe to drive back to the stable. She was large and very well shaped, with a grave stern face; whether she could talk English, but was too proud to use it, I don't know, but in all the times I saw her, I never heard a word of English from her mouth.

The child, Mary, alluded to before, the daughter of Dr. Gayle, grew up and married Joe La Flesche, the Punkah Omaha Indian chief, and in time became the mother of Susette La Flesche, better known to us as "Bright Eyes," and now the wife of a Mr. Tibbles.

One more story of Sarpy and old Joe and I am done. "Joe" was an old darkey that Sarpy kept at Traders' Point, in Bellevue, for years. Early one winter he wanted to get across from Traders' Point to Bellevue; the river was frozen, but the ice was not thick enough to be safe. Sarpy had some friends with him, and he told Joe to take a long pole and go ahead and try the ice. It bent and cracked, and the water rose so that Joe was afraid, but the old man thundered at him to go on and test it further out. Joe put the best distance he could between himself and the irate trader and then said, "Foah God, Massa Sarpy, dis niggah's life wuth jus' as much as a Frenchman's"—and with that he threw the pole and ran into the bushes, leaving the "Colonel" paralyzed with rage on the bank.

In this connection I also append a letter from Mr. Henry Fontenelle, of Decatur, Nebraska, and brother to Logan Fontenelle, the first elected chief of the Omahas, after Blackbird's death. His letter corroborates my story, and thus becomes history.

I append also a brief description of Colonel Sarpy's per-

sonal appearance, furnished by Major Tzschuck. "He was of French parentage, about five feet five inches in height, strongly built, remarkably active, and famous far and near, for his bravery and determination."

[NOTE]—In writing to Mr. Fontenelle to refresh my memory, and correct some mistakes that had been published about Blackbird's grave and other matters connected with the Omahas, I received a letter, of which this is a part, in answer. The whole letter is very interesting, and good enough to print, but I hope Henry, himself, will write a history of his tribe some day and do it better than I possibly could.

DECATUR, NEBRASKA, January 20th, 1891.

DEAR SIR AND FRIEND: I am happy to receive your welcome letter, and willingly answer the questions you ask.

Ne-co-mi was the wife of Dr. Gale, army physician at Fort Calhoun, (the present site of Calhoun, Nebraska), before it was dismantled and the troops removed to Fort Leavenworth, Kansas. After Dr. Gale left, Ne-co-mi married, or became the wife of Peter A. Sarpy. Mary was the issue of Dr. Gale and Ne-co-mi. I have never heard the story of Ne-co-mi packing Sarpy out of the mountains. She was the daughter of an Iowa (Ayeowa) chief, so that Bright Eyes really has no Omaha blood in her. She is the daughter of Joe Laflesh and Mary. Laflesh was a half-blood French and Ponca Indian, and was adopted by the Omahas. His father was an employe of Peter A. Sarpy, but had formerly lived among the Poncas, where he got his wife. He left the tribe and came to Bellevue, where he was employed by Sarpy until he died. Joe's mother then married an Omaha man; that is how Joe came among the Omahas. Through brother Logan Fontenelle, Laflesh was appointed one of the delegation, with Fontenelle and others, to go to Washington and make the treaty for selling out this territory to the government. Joe lost his leg years ago by treading on a

rusty nail, and careless attention. Dr. Whittaker, of Decatur, performed the amputation.

Very hastily, etc..

HENRY FONTENELLE.

[COMMENTS]—I have followed Henry's spelling in Nekoma, Gayle, Punkah, and La Flesche, in his letter, getting mine from equally as good authority, as I believe. He also says it was at Fort Calhoun the Gayle episode took place, and he ought to know.

Much has been said about the Great American Novel. Surely there is material enough here under our feet. Scott made a very small portion of a very small country famous the world over, and so deeply did he put his mark thereon, that it is the Scotland of Sir Walter Scott that we see and seem to know, rather than the real Scotland, that did or does exist. "Richard the III," is Shakespeare's Richard, and in many minds the history of that age in England, is engraven as Shakespeare's England, rather than the real England as other historians picture it.

F. Marion Crawford, the author of "Mr. Isaacs," and one of our brightest writers, who has lately returned to us, and whom we hope to induce to stay, when asked why his famous novels were laid in a foreign land and his characters nearly all foreign, answered that he had lived there most, and knew their races and people best, but he significantly added: "I think there is a richer field for the novelist in the United States than in Europe. There are more original characters to be found here, and they are in greater variety. Just think of it. Here you are not only getting immigrants from all over the world, from Japan, China, and so on right around the globe, but they are inter-marrying and producing an entirely new species of character. You not only have all the characters that the Old World affords, but have the aborigines of the New World, and the descendants of the immigrants of a later day and the new characters that are produced by the intermarriage of all these different people. No, it

- is not at all necessary for the novelist to go to the Old World for interesting characters. You have the richest field in the whole world for the novelist to work in right here in the United States, and when properly handled and developed, it will make the United States the great arena for the novelist, as it is already the centre of almost everything else."

Capt. King has done much to show the life on our plains, and to put the army in its best light. Garland has treated of Dakota praries and sod house existence, but none have yet fairly cracked the nut or developed the meat that really lies beneath our feet in Nebraska, and on the great plains from here to the Rockies.

One thing I have noticed in Garland's Dakota; it is solemn, pathetic, with an undercurrent of mournfulness, and disappointment throughout. If this be a true description, it was not so here in an early day. I have had some considerable knowledge and experience of our prairie and sod-house era, and Nebraska settlers, while roughing it as truly as those of Dakota, and really further from civilization, mails, railroads and telegraphs, in the '50's were a jolly, hopeful, even rollicking set of men—in the main, and gloried in their country, their rude houses and first plowing, even if they did now and then wish they could be back in "God's Country" (the States) once more. This was the extent of their repining. In fact I have sometimes thought our distinguished brother's politics had tinged even his stories; that is, he had become so used to teaching calamity that, like Silas Weggs' poetry, he dropped into it unconsciously.

DECATUR, A CHARACTER SKETCH.

It sometimes seems to me as if these reminiscences were not of value enough to write them out, but when I read from Hamlin Garland in a first class magazine the following, I think perhaps my own work may be of some use. In "Oregon Trail," Garland says: "Each year that

passes adds to the value of all works that depict the pioneer life of the early part of the century. To have set foot in Kansas or Nebraska when the Indians and buffalo alone possessed it, is coming each year to have a greater value." If this be true, and I believe it is, then may these brief sketches deserve a place in history.

The following is partly from material furnished for Judge Savage's "History of Omaha," published by Munsell & Co., Chicago, but has never yet been printed. Among the characters who figured in the early days in Nebraska, and served to give force and piquancy to its earlier days, was one calling himself Stephen Decatur, and as he claimed to be a nephew of the old original Commodore Decatur, the title of Commodore was tacked to his name too, and as "Commodore Decatur," he cut a pretty wide swath at times. He claimed to have come here from Dickson county, Missouri, and to have served in the Mexican war in Donovan's famous Missouri regiment, and I think this was true. About the first that was known of him here, he was one of Sarpy's employes at old Trading Point, and afterward at Bellevue.

He could speak the Omaha Indian language fairly, as well as Ponca, Pottowatomie and Sioux. During the earlier California emigration he ran a ferry across the Loup Fork for Sarpy, and lived there. Later on he was found at Bellevue, part owner with Sarpy in the town site there, as well as at Tekamah and Decatur, Burt county, which last town was named after him. This was in 1856. About this time he married the widow of a former editor of the Bugle, at Council Bluffs. The principal original owners of the town sites of Tekamah and Decatur, were P. A. Sarpy, Benj. R. Folsom, and Stephen Decatur.

In the summer of 1857, Decatur moved up to the town of Decatur, taking his wife and her three children, a large number of cattle, some ponies, wagons, etc. He settled just west of the town, on "Decatur's Claim," as it was then known, and which he had selected in 1856, at the

laying out of the town, on account of a large spring thereon, still known as Decatur Spring.

The Omahas were troublesome then, at times, and on account of his knowledge of their language, his connection with Sarpy, his ownership of the lots and the name of the town, he became at once the most prominent man in and about the new village. Disputes with Indians were left with him to settle; lots to be donated for various purposes were selected by him, he kept peace among the members of the town company, and was in truth and verity the Commodore, or commandant of local affairs.

He bore himself with dignity, his decisions were just and moderate, he had a good deal of influence with the Indians, and may be said to have been sailing in high feather. Once in a while he took a little too much liquor, but who did not in those days? Old Sarpy took his "periodicals" and raised Cain, too, while Decatur generally got out of the way, and was quiet until the spell was over. He was a striking figure, rather short, very straight, square and strongly built, with a marked face, flashing eyes set deeply in the head, and unusually long, overhanging eyebrows. He knew how to dress picturesquely, too, so as to set these advantages off.

The original proprietors had sold half the town site of Decatur to a New York City town site company, or "syndicate," as it would be called now, of which Roswell G. Pierce, then of some note in Wall street, was the head, and a Doctor Thompson the local agent at Decatur. The town company having offered lots to anyone free, who would build a house, a fellow took up the best of these, erected a small shanty, and then claimed his deed. It was refused upon the ground that he had not built a house within the meaning of the term. Just then Decatur rode in from his place, and the dispute was left for him to decide. Straightening himself up, he rode around the structure once and then burst out: "Call that a house? Give a lot for that? It ain't a house, it's an abortion;

pull it down!" and jumping from his pony, he caught some loose planks and almost tore the thing to the ground himself.

During the summer, 1858, quite a tragedy occurred on the Omaha reservation. Tecumseh Fontenelle, brother of Logan Fontenelle, the old chief whom the Sioux killed in 1855, was stabbed to death by his brother-in-law, a part-blood Indian, named Louis Neil, who had married Susan Fontenelle, a fine looking, well educated woman. They lived on the half-breed tract down on the Nemaha, in this state. Neil and his wife were up to the Omaha reservation on a visit, by the wish of Tecumseh, or "Dick" Fontenelle as he was always called. Dick and Neil had some trouble down at the Nemaha tract, about some ponies, but it had all been made up, presents exchanged, and Neil and his wife were living in one of Dick's tepees. One afternoon they both came down to Decatur, got some liquor and went tearing and whooping home about dark. Somehow on the way home, the quarrel broke out; and no sooner had they rolled off their horses at Dick's tent than he grabbed a butcher knife and attacked Neil, cutting him badly, and would probably have killed him, but Susan, his sister, who was cooking supper, turned a hot frying pan of grease over on Dick's back, making him let go his hold. Neil, in his turn, thoroughly enraged, drew a weapon and stabbed Dick so effectually that he died that night. Neil fled to the bushes, while the squaws were howling over Dick, and, wounded as he was, some friends threw Neil on a horse and brought him down to Decatur for protection. About midnight, when it was found Dick would die, a yelling band of Omahas, Dick's friends, came down to the town, surrounded the hotel where Neil was, and demanded his life. The Indians outnumbered all the whites in town and the little band of pioneers were at a loss what to do. They did not want to see Neil murdered before their eyes (for it was known that Dick began the affair), and they were not strong

enough to resist the Indians in an attack. Some one suggested Decatur, and a mounted man was sent after the "Old Commodore," the Indians agreeing to wait his return, and through the influence of Decatur and others, bloodshed was avoided, and, on a solemn promise, made by the whites to Henry Fontenelle, Dick's brother, it was agreed that Neil should be taken to Omaha, and delivered over to the Agent, to be dealt with by white man's law, part of the escort to be composed of Omahas, to see that no escape should be planned. Neil was tried, but never hanged. He was sentenced to the Iowa penitentiary for a term of years, came out and is alive now on his own land in the Indian reservation, near Pender. It is said that he never drank liquor afterwards, and is now a substantial citizen.

In some way it got about that "Commodore Decatur" was not what he seemed—not a nephew of the Old Commodore, not even a Decatur. Some pooh-poohed the whole thing, and said the Commodore was all right, while others insisted there was something in it. One story was that one time Decatur and others of the set, were at Keith's saloon, in Omaha, drinking together one evening, when a young army officer and his friends walked in. Keith's saloon was on the north-east corner of Thirteenth and Harney, and was the swell place of the town then. The moment this young officer saw the Commodore he said: "You're the man they call Decatur, ain't you? You are my brother and your name is not Decatur. Why don't you acknowledge your family, and give your true name?" Decatur denied ever seeing the party, said his name was Stephen Decatur, and that he would fight any man who said it was not. "There is a scar on your hand," said the other, "that I made with a hatchet. If the scar is there, you are my brother, if not, you may be Decatur for all I know." Decatur refused to allow an examination; said he would not be dictated to, or forced, by any man; talked fight, and, in short, braved it out so boldly,

that the new-comer half acknowledged he was mistaken, and his friends took him away. Singular as it may seem this matter was hushed up at the time, and it was agreed that nothing should be said about the affair. The Commodore stood as well as ever with most of his friends. His family, of course, never heard any of these stories.

Decatur was not a good manager, and ran through his property in Nebraska, and suddenly left his home, telling his wife he was going away to make his fortune again, and would then return. Some years after, they got track of him as being connected with the Georgetown Miner, a newspaper at Georgetown, Colorado. It was a wild and rough country then, but he had wandered over the ridge, and there, in the heart of the mountains, had named another little town and mining camp Decatur. In the wildest spot he could find, he erected a cabin and for years lived there alone, except for those he entertained—for he was as hospitable as he was reckless—and he would come over to Georgetown now and then, bringing specimens, discourse learnedly on mines and minerals, leave some articles for the Miner, and then back to his cabin again. Some years since, a party of noted gentlemen took a trip across the continent. One of these was Horace Greeley; Schuyler Colfax, vice-president of the United States, was another, and William Bross, editor of the Chicago Tribune, and once lieutenant-governor of Illinois, was a third. At Denver, Bross said, "I want to stop here a bit; I believe I have a long lost brother here, somewhere, shut up in the mountains, a kind of hermit. I have traced him once or twice and now I intend to find him and settle the fact whether he is the man or not." So off poked the good deacon to Georgetown to hunt his brother. Whether he had to go clear over to the cabin, at Decatur, or found his man at Georgetown, I do not know, but when he struck the fellow he thought was his brother, it was our old friend "Comodore Decatur." The deacon tried to convince him of the relationship, but Decatur would not have

it that way, and Bross came away, partly in sorrow, partly in anger. From this time forth it came to be pretty well understood by many that our Commodore was really Stephen Decatur Bross, brother to Deacon Bross, and of the Bross family of Illinois, who left his family in Scranton, Pennsylvania, years before, changed his name, soldiered in Mexico, traded for Sarpy, became familiar with the Indian tribes, lived with them and learned their language, pioneered through the mines of Colorado, and did other curious things. He was well educated, and could talk, or write intelligently upon almost any subject.

From Georgetown he drifted down to Silver Cliff, in southern Colorado, and in 1876 was appointed Centennial Commissioner for Colorado at the Philadelphia Exposition, where a number of us old Nebraskans saw him, straight as an arrow, his gray whiskers shaved off, a long drooping mustache alone setting off his fine features, and he was cock of the walk here too. He had the most curious collection on the grounds, and was proud of it. He was followed by crowds wherever he went, seeming to possess a special fascination for women; they'd stick to him like a burr. He died in Colorado in 1889.

The old man had a song which he claimed to have composed, and which Charley Porter and the boys of that day roared around many a camp fire. Only last winter I obtained the words from C. Dunn of Blair, and printed them on slips. My friend Col. Wilson will no doubt remember it well:

There was an old hunter camped down by that rill,
He fished in those waters and shot on the hill;
The forest for him had no danger or gloom,
For all that he wanted was plenty of room.

CHORUS.

Room, boys, room, there is room for us all,
There is room in the green wood, if not in the hall.
Room, boys, room, by the light of the moon,
And why shouldn't everyone enjoy his own room.

He wove his own nets and his shanty was spread
With the skins he had dressed and stretched overhead;
Great branches of hemlock made fragrant the floor,
For his bed, while he sang, when the daylight was o'er.

CHORUS.

And so sang the hunter when one gloomy day
He saw in the forest what saddened his lay—
A heavy-wheeled wagon a deep rut had made,
Where fair grew the greensward—the broad forest glade.

CHORUS.

The stream now is choked by the dust of the road,
Which under boughs of green maple once limpidly flowed.
By the rock whence it bubbled, his kettle was hung
Which there ofttimes was filled while the hunter he sung.

CHORUS.

He whistled to his dogs saying no longer we'll stay,
I must shoulder my rifle—up traps and away.
Next day on these maples the settlers' axe rung,
While slowly the hunter trudged west as he sung.

CHORUS.

Room, boys, room, there is room for us all,
There is room in the green wood, if not in the hall.
Room, boys, room, by the light of the moon,
And why shouldn't everyone enjoy his own room.

REMINISCENCES OF EARLY DAYS IN NEBRASKA.

A paper read before the State Historical Society, January 11th, 1893, by
W. W. Cox, of Seward, Neb.

In the early autumn of 1859, in company with Robert Hopps, (now and for nearly a quarter of a century, a resident of Nebraska City), and two or three other gentlemen, I started from Page county, Iowa, with the determination

of seeing the new and promised land of Nebraska. Passing over the vast stretches of undulating prairie wilderness, watered by the east and west Tarkio, and the two Nishnabatona, we reached Sidney, the county seat of Fremont county, at noon of the second day. Here we had the pleasure of hearing a discussion of the political issues of that interesting period of our history, by the candidate for governor of Iowa, General Dodge, and ex-Governor Kirkwood. Shortly after leaving Sidney, from the high hills, we looked upon a grander scene than Moses saw from Nebo's mountain. The valley of the Missouri with the great river sweeping by the long line of hills of beautiful Nebraska, presented to us a panorama at once inspiring and impressive. About the dinner hour of the next day we crossed the great river and first set foot on Nebraska soil. We camped for dinner at the spring just west of Arbor Lodge, and had a most bounteous repast of Nebraska grown potatoes and Nebraska prairie chickens, cooked by ourselves over a camp fire. Like everybody else we were crazy to get land. By virtue of the President's proclamation, the lands of Nebraska would be upon the market within the next few days.

The weather was delightful. The little city looked bright and cheerful, most inviting, indeed. The lands were smiling, and, to cut this part of the story short, our party was captured, body and soul. We were excited. We were in a hurry to call some of the land our own. We spent a day or two looking over the country as far west as Wilson's Creek, and made choice of quarters on the great ridge, about eight miles west of the city. The last sign of civilization observed by our company was what was then known as the Majors Farm, about four miles west of the levee. We returned to the city, to be present on the morning of the opening of the Land Office. A great crowd of people were in waiting to enter land. The office had been opened for some days previous, for the accommodation of pre-emptors, but this was the first public sale

day. E. A. Desland was the receiver, Andy Hopkins the register. In order that everybody could have a fair show, a large number of tickets were numbered, and placed in a hat. After shaking, the hat was held up over the officer's head and people reached up and picked out one card. Whatever number it bore, marked the individual's turn to enter land. Suffice it to say, for myself and company, I was permitted to enter the first section of land at a public entry in the South Platte land district. In this glad hour I had determined to make Nebraska my home. In the last days of February, 1860, I gathered up what little I had of this world's goods, and with wife and one nine months old babe, now Mrs. James A. Ruby, of Marquett, Nebraska, bade adieu to the old home and turned my face toward the setting sun. Just as the sun was nearing the western horizon, on the last day of February, Captain Bebout shoved his little steamboat from the Iowa shore out into the fields of floating ice. Oh, how we watched with bated breath, those ugly cakes of ice crash up against our frail craft, where all our earthly treasures were; and then how lightly and how joyfully we first trod the firm soil of Nebraska. Nebraska then, as now, was "fair to look upon." But how little did we realize what was in store for us, else the heart had fainted! Two brave young hearts, and two pairs of willing hands were our capital.

We must now tell you of Nebraska, as it proved to be when we found it, in 1860. Some of the principal work of our first legislature was to charter what is known in history as "wild cat" banks. We remember the Platte Valley bank, of Nebraska City; Nemaha Valley bank, of Brownville; Florence bank, of Florence; Western Exchange, of Omaha; Tekama bank, of Tekama; and the DeSoto bank, of DeSoto. The bills of these banks, one and all, bore upon their face two precious promises; one was that they were redeemable in currency, and the other was that stock holders were personally liable. Let us illustrate. You hold a hundred dollars of Platte Valley bills, and you

walk into the Platte Valley bank and say, "Mr. Nuckolls, will you please redeem these bills?" "Certainly, sir," he replies blandly, and throws out to you one hundred dollars in Nemaha Valley bills. Yes! yes! Well that is currency, but you are hardly satisfied, so you go away off down to Brownville, and upon entering the bank you ask the gentlemanly cashier the question, "Will you please, sir, redeem these bills, with some money that I can use in the east?" "Certainly, certainly, sir," and he throws down one hundred dollars in crisp, new Platte Valley notes. "But hold," say you, "I have walked down here from Nebraska City, with this money for which I exchanged Platte Valley bills, and I must have something else." "Oh, well, then I can accommodate you," and he throws out one hundred dollars in Florence money. The result was then, as it always has been—this almost worthless money superseded all other money. Gold and silver and valuable paper money took their departure; still, money was plenty and speculation was rampant. Paper cities sprung up, here, there, everywhere. Thousands of claims had been pre-empted and held by the squatter right.

Nebraska City enjoyed other advantages than being a general supply depot for incoming immigrants. It was a trading point for the Mormons as they were journeying to Salt Lake. It was also a general outfitting point for gold seekers bound for Colorado. But perhaps the most valuable business interest of the embryo city was the great freighting business of the government, conducted by Majors, Russell, and Waddell, who sent out thousands of tons of freight to Utah and other military camps, during our Mormon troubles. Everything was on the boom. It was an era of wild and most reckless speculation.

In 1857 the great panic started westward from the eastern sea board, like a great tidal wave, carrying everything before it. It came westward slowly but surely, crushing out in its onward march all business interests.

One great soul, Hon. Galusha A. Grow, member of Con-

gress from Pennsylvania, as if by inspiration, saw the impending storm that was soon to overtake and overwhelm the western pioneers. With an energy born of desperation, he urged successfully the passage of the blessed homestead law. All the people of the great west said Amen and Amen! for it meant a home to the advance guard of civilization on these prairies free and secure beyond a peradventure. But alas! it must be recorded to the everlasting shame of James Buchanan that he vetoed the bill, which was the hope of our brave pioneers. As these people that had the courage to brave the dangers of the wilderness to plant foundations for this great commonwealth, asked of the President a "fish," he gave instead a "scorpion." Just as the surging waves of that terrible flood of woes had reached this fair land, and as all interests were paralyzed and destroyed by the panic, without previous warning, just like a sharp thunder-clap from a clear sky, the same heartless President issued the proclamation putting the lands of Nebraska into market. Great God, what a staggering blow was this to the helpless settler! The "wild cats" with their worthless money had gone into their holes, and had apparently pulled their holes in after them. The people were absolutely without a currency. The squatters on the lands were helpless, and were at the mercy of the land sharks, that came to the territory in great droves as soon as the news of the proclamation was sounded through the country. For a settler to get, by any legitimate means, money to pay for a quarter of land was virtually impossible. The shark would rescue him however, in this wise. Land warrants were worth on the market \$160, or one dollar per acre, but the warrant would be sold to the settler at \$200, or \$1.25 per acre on a year's time, with 40 per cent. added, or for \$280. The shark would enter the land in his own name, and give the settler a bond for a deed, upon payment within one year of \$280, inserting the innocent little phrase, "Time the essence of the contract."

Many of the settlers did not fairly understand at the time just what that phrase meant, but they found out, just one year later. In 1860, when these contracts became due, the people were worse off than ever, and thousands of them gave up in despair. Had it not been for the better day that dawned upon them in 1863, when a nobler man occupied the presidential chair, and they were permitted to make homes upon other lands, their lives must have been wretched indeed.

When we reached Nebraska the measure of value was cottonwood lumber. We are quite sure that it is no exaggeration to say that for eighteen months, hard and faithful work as a mechanic, we did not handle ten dollars in money. It was trade and dicker all the time. It was the one time in my life when it was most difficult to obtain a decent living for good faithful labor.

In the spring of 1860 Nebraska City was a beautiful little city of nearly two thousand people. Although business was dull in the extreme and many were leaving, yet it had promise of a bright future, when these dark clouds should roll by. But in the hour when we thought not, the "fire fiend" came upon us, on the ever memorable 12th. day of May of that dreadful year. With a gale from the south, and everything as dry as a tinderbox, the devouring flames came upon us, and in less minutes than it takes to record it, the whole heart of the city was a mass of flames. There were no possible means of combating the raging monster. Forty-six of the best business houses were consumed, with an almost incalculable amount of merchandise and household goods. The postoffice, the best hotel, Nuckolls House, stores, shops, etc., etc., all went up in smoke, to the value of over one million dollars, with only sixty-two thousand insurance. On that frightful day, with that hot flame and smoke ascended such a wail of horror as we pray God we may never hear again. When the fire fiend had spent its force and fury, then another flame arose. This time it was the passion of maddened

men. Some slight suspicion had attached to a poor wretch for having set the fire. An old lady had seen someone leaning up against the building where the fire started, lighting a pipe, and somebody thought it might have been this man. Crazy men rushed upon him with the fury of a cyclone while he was in the hands of the officers. The mob was led by S. F. Nuckolls, one of the losers by the fire. The officers by dint of perseverance got the fellow into jail, (the old block house.) For a time it seemed that the officers would be overpowered, and the man would be torn to pieces and sent up in a chariot of fire. Upon trial there was no vestige of evidence against the fellow, only general bad character.

The city was virtually destroyed—even worse than Chicago was, eleven years later. All interests were paralyzed. Property depreciated until it apparently had no value. It really seemed that hope and energy had gone up in smoke with the property. Scores of men and women fled from the city as if it were a plague spot.

Three months only, had elapsed, when we learned that our cup of bitterness was not yet full. Hot monsoons from southern shores swept this fair land, as if the very breath from out the mouth of Hell had been turned loose upon the world. For sixteen days and nights, without a lull, these scorching, blighting winds prevailed. Our Kansas neighbors were just a little nearer Hell than we, and got the worst of it, but we were too near for comfort or profit.

Our people secured a very little small grain. Wheat-straw was about the length of a pen-stock, but the few berries in the short little heads were good and plump. So far as we heard there were no cases of actual starvation in Nebraska, but God only knows how some of our people lived it through. Those that are pining and crying over hard times, in these glad days of plenty, know little of what they are talking about, and if they could realize what the people went through in those dark days, just as

the war-clouds were gathering, they would hide their faces for very shame.

Nebraska City, like other frontier towns, had some hard cases to deal with, and when the courts seemed lax, or slow, the people were ready to lend a helping hand. In the winter of 1860 and '61, a couple of worthless fellows were strongly suspected of being horse thieves, and with "I guess so" evidence, an angry mob gathered and determined to tie the fellows to a post in the street, and give each about forty lashes on the bare back. The mob was led by one Nick. Labow, (rather a tough character, himself). The inferior one of the two was led out, stripped and tied, underwent the terrible ordeal and meekly received the warning to take his departure immediately. The second fellow was much the greater rascal, without doubt, but he was smart, and was plucky to the last. He defied the mob and hurled anathemas and maranathas at them without stint. Finally he awakened the sympathy of Isaac Core, a prominent citizen of the city. He undertook to talk to the mob, and they hooted at him. But Core was made of stern stuff and would not down, and he fairly brow-beat that unruly mob out of countenance. They finally untied the man and sneaked off like whipped curs.

In its early years, Nebraska City was largely dominated by southern influence. Many of the government appointees were southern gentlemen, or at least in full sympathy with southern sentiment. This was the home of many of the territorial officers.

Samuel Black, our governor, was a Pennsylvanian, but he was a pro-slavery democrat, and a bitter partisan. When the supreme hour of trial came, however, he proved loyal to the old flag, and gave his own brave young life in defense of its honor. The governor was a bright appearing young man, with jet-black hair and black eyes, nicely trimmed beard, tall, slender, and straight as an arrow. It was said that he was rather loose in his morals,

but so far as I was able to judge, with only a partial acquaintance, he was a fairly good officer.

Hon. J. Sterling Morton was secretary of the territory, and we believe he is the only territorial officer of that day, now living, and resident of the state, except Experience Esterbrook, delegate to congress in 1859, now resident of Omaha.

Major Denisten, Indian agent for the Otoe tribe, so far as I remember, was the only man in the government employ that proved a traitor. He was both a traitor and a thief. The government had sent him the money (nearly \$14,000) to pay the annuities of the Indians, and under some pretense he withheld it until the Indians became impatient, then exasperated. Finally the whole tribe, headed by Chief Artaketa, came to the city and demanded of the Major their money. The business men of the city were in sympathy with the Indians, not from pure love of the red men, but because they were anxious for the Indian trade. The people generally were anxious that the money should be paid, through fear of an Indian outbreak. The Major was obstinate and while he admitted having the money, he did not propose to be dictated to, by a lot of red-skins. He would not pay out the money until he got ready. The Indians were in no mood to be trifled with. At a critical moment, the Indians made a rush for the Major and bound him with ropes, and they dragged him through the streets from the east end of town to his residence, near where the M. E. church now stands.

Wild excitement ruled the hour. The people rushed to the scene of trouble. When I reached the Major's home, the large yard was full of excited people. Many of the territorial officers, including Governor Black, were present, also nearly all the business men of the city. The cooler heads among the officers and citizens exerted themselves to allay the excitement. By the help of the interpreter, Chief Artaketa addressed the people, set-

ting forth, in strong and forcible language, the wrongs that his people had suffered, how many of them had gone cold and hungry through the winter, on account of the perfidy of the agent, when the Great Father had made ample provision for feeding and clothing his red children. The old chief had the sympathy of the people. This was our opportunity to listen to true Indian eloquence. His great soul was all on fire, his tongue was loosed, and his every motion was eloquent. While we could understand not a word spoken, yet we stood entranced as his burning words came like a stream of fire from a great volcano.

The Major finally, under pressure, agreed to go over to the Agency in a few days, and pay over the money, but the Indians would not take his word until Governor Black pledged his honor, as a man and as governor, that the money should be locked up safely in Ware's bank safe, and there remain until the day set to go over to the Agency. And he promised to go with the Major and see the money paid. This satisfied the people and the Indians acquiesced.

We believe that the Governor acted in good faith, and expected the agreement to be carried out to the letter. But it was in the Major's heart to steal the money and carry it over to the enemy of his country. He succeeded in deceiving his friend, the Governor, and while he was sleeping, the Major, with the help of persons unknown to us, and under the cover of a dark, stormy night, started with the money for Dixie's land—and they "got there." How he got the money out of Mr. Ware's safe, some one else may explain. Efforts were made for his capture, but they were unavailing, and the next we heard of the Major he was in South Carolina, in the employ of the rebel government.

It may sound very strange to you when we say that Nebraska in antebellum days was a land of slavery. In 1860 there were quite a number of slaves in the city. Alexander Majors had two or three. S. F. Nuckolls had

two, I believe, and there were a few others. Government appointees from the south, slaveholders, brought their servants. Whether they were brought as a matter of convenience, or were brought with a view of serving a political purpose, I know not.* But the northern people looked upon the matter with deep concern, and with grave suspicion, that it was an attempt to fasten slavery with all its hateful consequences upon this sacred soil. Slavery however, was out of place here, and when a slave desired to go free, it was very easy to secure a ticket over the "underground railroad" with safe conduct to Canada. Nebraska City was one of the stations where old John Brown fed and rested scores and scores of hungry and weary fugitives. In the valley just north of the cemetery there was a great cave, which was undoubtedly a hiding and resting place for fugitives. This cave was on the property of a Mr. Mayhew, whose wife was a sister to Kagi, one of John Brown's trusted followers. It was our privilege to visit the cave in 1860. It was nearly sixteen feet deep, dug into a steep bank. The door was made near the bottom of the ravine and was partially obscured so that a casual observer would not notice it. A hollow log or gum was used as a ventilator, and reached to the surface of the ground. The owner claimed to be a rank democrat, but we never could get him to explain the use of that cave.

It may also sound very strange to you, when we tell you how once the rebel flag floated over our fair Nebraska. It will be remembered that South Carolina, the leader in the secession movement, adopted a flag that fairly indicated the venom that was rankling in the bosom of her people, 'The rattlesnake flag.' This most hateful emblem of treason, the flag embellished with a huge, most vicious looking reptile, was found waving in triumph over the old block house one bright morning in the winter of '60 and

* Since the above was written I have learned that only one government official brought slaves to the territory, viz.: Mr. Harden.

'61. But Nebraska had not seceded, neither had she any notion of so doing. Just who was guilty of this treason was never quite plain, but there were good reasons for suspecting one Augustus F. Harvey, more generally known as "Ajax." Mr. Harvey was a strong pro-slavery democrat with secession proclivities. He was a man of marked ability as a writer, was at a time shortly after this editor of the News, and at one time editor and publisher of a paper in Lincoln. He was a very bitter partisan and appeared to have no love for the government.

That rattlesnake flag could not very long float in the breezes of Nebraska. As soon as the good people of the city became aware that the stars and stripes had been supplanted by that hateful emblem of treason, it had to come down in a hurry, and the "Starry flag again waved over the land of the free and the home of the brave."

In the early spring of 1861, when President Lincoln first called for troops, a war meeting of the citizens was held. Many of the prominent citizens were present, among whom we remember a young lawyer, with a large bushy head, with long black hair,—a man full of life, and full of grit and enthusiasm. This was O. P. Mason. W. L. Boydston was also present, and did much to awaken enthusiasm in the organizing of the First Nebraska regiment. Gen. W. B. Burnett, surveyor general of the territory, a man that had greatly distinguished himself for bravery in the Mexican war was with us and made a little talk that thrilled my young heart as never before. He loved the old flag, under whose folds he had carried victory to our arms on many a blood-stained field in Mexico; and now when recreant hands would trail it in the dust, his great soul rebelled against the thought. He was ready to sink the partisan in the patriot, I can never forget his peroration, as he quoted so eloquently and with a pathos born of love, the immortal words of Drake:

"Flag of the true heart's only hope and home,
By angel hands to valor given;
Thy stars hath lit the welkin dome,
And all thy hues were born in Heaven."

A most prominent character was Alexander Majors, the head and general manager of the great freighting company of Majors, Russell, and Waddell. This business was of immense proportions, employing in a single season three thousand men and thirty thousand oxen, with thousands of huge prairie schooners, that would carry ten thousand pounds of freight each, and required six yoke of oxen to haul them. Twenty-six of these great wagons were required to make a train, and were hauled by three hundred and twelve strong oxen. The drivers were known by the euphonious name of "Bull-whackers." Each train was provided with a wagon master and assistant wagon master. These were shrewd wiry frontiersmen, mounted on broncho ponies. Each train was provided with two or three extra drivers. Every man in the train (about thirty) was furnished with a pocket Bible, as a protection against moral contamination, two Colts' revolvers, and a huge hunting knife, as a protection against the Indians. Each wore a broad brimmed hat that many times bore upon the crown strange devices. Each driver carried a huge whip, the snap of which was a terror to the poor brutes under his control. Each wagon would have strapped to the gear an extra pole, one or two yokes, an ingenious contrivance for greasing the wagon, and a chip sack hanging on a hook at the side of the box. This sack the driver would fill with buffalo or cow chips during the day to be used for camp fires. There was but little timber along the road. At night the wagons would be placed in a circle, with but one opening, through which the oxen could be hurriedly driven in times of danger, or sudden attack. Vigilant guards were maintained at night. The camp must be continually on a war footing. Prowling bands of Indians were constantly on the watch for opportunities to plunder,

and with all these precautions there were many trains pillaged, the wagons burned, and cattle stolen, and frequently many brave men perished. The "bull-whackers" were a tough looking crew, but for all that the mass of them were noble men in disguise. Many of them were finely educated; some of them graduates of eastern colleges, and most generally their hearts were as large as the hearts of the oxen they drove. They were generous to a fault, but ready to resent an insult at the drop of the hat. They would go all lengths to assist a comrade or other person in distress. While they were schooled to endurance of hardship, in caring for the sick of their number, they were as gentle as a woman. Mr. Majors was a most remarkable man. He was illiterate so far as school education was concerned, but in a business sense he was wise beyond most men. A man of sterling integrity, of wide experience, a most ardent professor of the Christian faith, a preacher of the gospel of Christ. Wherever the Sabbath overtook him, in the mountain fastnesses, on the plains, or at the city, he would gather his men about him and preach the word of life to them, and impress upon their minds the necessity of purity of life, of honest purposes, of high aspirations, and a remembrance of mother's teaching at the old home. In his contracts with the men it was required that they should abstain from profanity and all kinds of immoral conduct, and it had a most beneficial effect upon them. It was Mr. Majors' aim to send the boys home to their parents better, rather than worse, than when they left them. He paid liberal wages, which continued for the round trip, sick or well, unless a man was dismissed for misconduct or neglect of duty. Many of the boys saved a handsome sum of money. Merchants, especially clothiers, wore broad smiles upon their faces when they heard of one of the trains approaching the city, for it meant a harvest to them. At times thirty full suits would be sold over one counter in an evening.

After the long tramp to Salt Lake and return, you may be sure the boys wanted new clothes to wear home. At the outfitting station in the north-western part of the city were several large warehouses, one outfitting store, several cozy dwellings, and a little park. The park was provided with seats and a speaker's stand, at which place, during the summer and fall, there would be regular services every Sunday. Most pictures have their shady side. Strange as it may seem to us, a man of such sterling qualities as Mr. Majors, was a slave-holder, and actually brought slaves into the territory, some of whom I saw, in the summer of 1860. If I remember correctly, the last of them took passage on the underground railroad, in the fall of 1860, about election time. It is safe to conclude that no slave ever suffered from cruel treatment at the hands of Mr. Majors.

All the freight and most of the immigrants came by river steamers. The arrival of a steamer was a matter of great interest, for it brought supplies of all kinds, the mails and passengers. Whenever the whistle of an incoming boat was heard, there would be a general rush to the levee. Some went through curiosity, some on business, and others to meet wife, mother, sister, or friend. The river steamer was a "thing of beauty, and a joy to all the people."

One of the first things that some of the pioneers of Otoe county thought of, was the planting of orchards. As early as the fall of 1860 there were several orchards in bearing.

I remember J. H. Masters, Joel Draper, and Mr. Greggs. It was my pleasant privilege a short time ago to be shown by my friend, Mr. Masters, the first apple tree planted in Nebraska. This noble tree stands a few rods north and east of Mr. Masters' dwelling, and was planted by his own hands, on the day of his arrival in the territory, March 16th, 1855. Its name is "William's Favorite," and it has borne fruit, beginning in the year 1859, every year, to date. Mr. Masters brought seven trees from Illinois, with

him, and the planting of them was the first work of his long and noble career, in Nebraska. I rejoice that he still lives to enjoy the fruits of his well spent life.

There were many who helped to lay broad and deep foundations, whom it would be a great pleasure to mention in these reminiscences. A few are living, some still residents of the beautiful city, some in other places, but most are sleeping, resting, from their labors.

We must mention a few of God's most noble men and women: Rev. J. M. Young, Dr. Lemon, Bishop Talbot, Rev. Mr. Taggart, are all gone to their well earned reward. The Master has said, "Well done my good and faithful servants."

Dear old Father Giltner, who mixed the mortar with his own hands, to rear a temple to the honor of his Master, (the first Presbyterian church edifice in Nebraska), grand old man, is yet proclaiming the glad tidings of a risen Saviour, on our western border.

Then there are H. K. Raymond, (dead), and Mrs. Jossen and Miss Bowen, who did so much to develop the educational interests of the city.

In the legal profession, Judge O. P. Mason, W. H. Taylor, W. L. Boydston, Judge Kinney and Craxton.

Connected most closely with the "Art preservative," are the honored names of Thomas Morton, who set the first type and printed the first paper ever issued in Nebraska. (The Palladium of Bellevue, dated November 14th, 1854). Shortly afterward Mr. Morton moved to Nebraska City, into the second story of the block house, and established the Nebraska City News. Mr. Morton owned and controlled the News until his death.

Hon. O. H. Irish, the founder of the People's Press, in 1859, and Milton W. Reynolds, editor of the News, were all faithful friends of Nebraska.

Among the mothers that acted most nobly their part, and that have been called to their reward, are the honored

names of Mrs. Caroline Joy Morton, Mrs. Mary T. Mason, and Mrs. Joel Draper.

Mrs. Thomas Morton still survives her husband and is doing most valiant service for her Master, in leading in all works of charity.

Among the few noble men that still live, are the venerable Dr. Bowen, Hon. J. Sterling Morton, J. J. Hostetter, Wm. E. Hill, Robert Hopps, N. S. Harding, Wm. McLennan, and E. G. Hawley, and also Elder Henry T. Davis, now of Lincoln. Then there were the Byrom Brothers, successors to Majors, Russell, and Waddell, in the freighting business. We must not forget or neglect our ancient and honorable squatter governor Wallace Pearman, who was treasurer of Otoe county at that time. Sheriff Shroat must also be remembered as one of the live men of that period.

Robert Hawke was one of the principal merchants of the day, and one of the largest losers by the great fire. Himself and wife are now both sleeping. So also is John Bolwore, the man who ran the first ferry boat at Nebraska City, in 1849, to transfer California emigrants over the turbid waters of the great river. Mr. Heffley, who owned the only store left, in Nebraska City proper, after the fire, has also passed to the great hereafter, while his most trusted clerk, J. J. Imhoff, has been for many years a prominent business man of the capital city. We must never forget our friend Hathaway and his partner, Mr. Matthias, who resurrected from the hot ashes the People's Press, bringing an old press from the little town of Wyoming, one that Hon. Jacob Dawson had used in the publication of his paper at the city of Wyoming.

It was the privilege and pleasure of the writer to assist in building temporary quarters for the Press out of rough cottonwood boards, and to cover it with tin sheets that had gone through the fire. We nailed them on as shingles. Another prominent figure of those days was

Col. Hiram P. Downs, afterward promoted to a brigadier generalship in the army.

One remarkable feature about the pioneers of south Nebraska was their marked individuality. There was scarcely one that you might chance to meet whom it would be possible ever to forget. Every man was here for a purpose, and every man was a host. They were laying foundations upon which to rear this great and beautiful Nebraska. How well and faithfully they accomplished their work is attested by the glorious commonwealth that is rising in symmetry and beauty upon the broad and deep foundations planted by their hands.

APPENDIX TO THE PAPER OF W. W. COX.

The following is an extract from a private letter received from Hon. J. Sterling Morton, of date January 25th, 1893, in answer to some questions propounded by the writer. It seems such a clear statement of historical facts that we are glad to be able to give it place among these reminiscences, feeling that it will forever settle some points that have heretofore been in doubt among the people.

"DEAR W. W. COX:—The Nebraska City News was first published at Sidney, Iowa, and dated at Nebraska City, in the autumn of 1854, and really moved to the city in December, 1854. Then it was the property of the Nebraska City Town Site company. In 1855 that company hired the writer hereof, at the princely price of \$50 per month, to edit said Nebraska City Weekly News, for one year, and authorized him to employ and discharge all printers and other help.

He having made the acquaintance, at Bellevue, where he set, for the Nebraska Palladium, the first stick of type ever put up in Nebraska—called Mr. Thomas Morton to Nebraska City to act as foreman for the News. Thomas Morton and the writer hereof, issued their first number of the Nebraska City News, April 12th, 1855, from the origi-

nal old block house of old Fort Kearney, which had been built in 1847.

On May 12th, 1860, Nebraska City was about wiped out by fire. The News office among other things was destroyed. Then the Mortons, Thomas and Sterling, bought of Jacob Dawson, the Wyoming Telescope office and all it contained, in papers and printing material; and, besides that, the Mortons had purchased all the material of a large printing establishment at Otoe City, eight miles south of Nebraska City, on the Missouri river.

The old files show that for a long time the News, by the two Mortons, had quite a successful career, for an obscure, frontier journal.

After the same fire the owners of the Press, of Nebraska City, (as their office was also destroyed by the fire), went to Omaha and purchased a press of Dr. G. C. Monell, brought it to Nebraska City, thence took it to Lincoln, and on that press was printed the first number of the Commonwealth, which was the "John the Baptist" of the State Journal, and all the other papers that have since been set up at Lincoln. But the first number of the paper, The Press, after the fire, states that by his courtesy, it is run off on Mr. Jacob Dawson's press, in the office of the Wyoming Telescope. Then, O. H. Irish was head proprietor and editor, and subsequently he sold to Matthias and Hathaway, and Joe E. Lamaster was also financially interested in the concern.

The rattlesnake flag episode, I never heard of until I heard of it from your paper. It is strange that the newspapers of that day, made no note of such an episode, and I think Dr. Renner is right when he declares that it was a joke of his own, and that he personally put up, and personally took down, the aforesaid rattlesnake emblem of secession and war."

Signed; J. STERLING MORTON.

The balance of the letter is of a private nature.

ADMISSION OF NEBRASKA AS A STATE.

Written in 1866, by James M. Woolworth, Esq. Signed by twenty-one members of the legislature of that year, and then published.

On the 19th of April, 1864, Congress passed an act authorizing the people of Nebraska to form a state government. The act provided for an election in May, of members of a convention which should assemble on the fourth of July, and frame a constitution. This instrument was to be presented to the people for their adoption, or rejection, in October. The act did not provide for taking the sense of the people upon the fundamental question, whether or not they would become a state. But they asked it and answered it, and in this way: In the election for members of the convention, party lines were not drawn. On one side, candidates favorable to state organization were nominated; on the other, candidates who were pledged to vote for an adjournment, *sine die*, as soon as the convention was organized, and before it proceeded to business. The result was, two-thirds of the members elected were favorable to adjourning, and they were elected by very large majorities. For instance in Douglas, one of the most populous and wealthy counties in the territory, but forty-five votes were cast for state organization. No record of the election was preserved, but we believe the majority was proportionately as large elsewhere as in that county. Accordingly, when the convention assembled on the fourth of July, 1864, it organized by the election of its officers, and immediately thereupon adjourned, *sine die*.

SPRINGING THE QUESTION.

This emphatic expression of popular will, as was generally supposed, laid state organization at rest. At the general election in October, 1865, it was not even suggested. In its platform, adopted at a territorial convention, for nominating candidates for auditor and treasurer, the republican party did not mention the subject. The democrats in a very emphatic resolution, declared against any movement which did not provide for taking the popular vote on that subject, divested of all other issues, and before any step was taken towards framing a constitution. Had it been supposed possible that the territorial legislature would draft a constitution, many men who succeeded in obtaining an election to it, would have failed to receive so much as a nomination. For instance, in the delegation from Otoe county were O. P. Mason and J. B. Bennett of the council, and J. H. Maxon of the house. These gentlemen, after the legislature assembled, showed themselves to be very ardent friends of the scheme for that body making a state of Nebraska. And yet their county rejected their constitution by a majority of over four hundred votes. So, too, the Cass delegation supported the measure, and their county gave a majority of three hundred and twenty-five against it. Not one of them could have been elected if they had been known to favor state organization.

But after the election the plan was developed. It was proposed now, for the first time, that the legislature should resolve itself into a convention, draft a constitution, and organize a state government. Conscious that such action was an exercise of powers confided to that body neither by the law nor by the people, the attempt was made to obtain petitions numerously signed, praying the two houses to perform this extra service. These petitions were in large numbers sent out of the "executive office" into all parts of the territory, accompanied by letters urging the parties receiving them to circulate them gen-

erally in the neighborhood, obtain signatures, and return them. The measure was prosecuted with great energy. Nearly every citizen in the territory was solicited to sign one of these petitions. With all these efforts only about six hundred names were obtained. The attempt to give the scheme the appearance of a popular movement was confessedly abortive, so that the petitions were never made an apology for the action of the legislature.

At the opening of the session, a decided majority of the members of the house were opposed to the measure. Among the republicans, many were determined in their opposition. All the federal officials, Governor Saunders, Chief Justice Kellogg, Secretary Paddock, Indian Superintendent Taylor, and others, made a party question of it. It was given out that no man who opposed it could expect or should receive recognition in the party. Meeting after meeting was held and the matter urged by all the eloquence and sophistry possible, while private conversations were converted into private appeals and private bargains. One by one was won over—promises of offices and contracts and yet more tangible influences doing the work. Chief Justice Kellogg, Secretary Paddock, Mr. Mason, and two or three others, now set themselves to draft the constitution which this legislature should adopt. In the calm and undisturbed retirement of private rooms, and under the protection, from interruption, of locks and keys, these gentlemen pursued their work. They produced an instrument suited to their purposes, which the legislature was to adopt at their discretion. Its chief merit was that it provided a cheap government. According to their estimates, its annual expenses would not exceed twelve thousand dollars. Not a single state officer, except the judges, was to receive as much as a hod-carrier's earnings. The people, it was insisted, were able to support a government, but were not willing to pay their officers respectable soldier's pay for their services. A respectable state government would, they argued, frighten the people and

they would reject the constitution. A cheap government of cheap men answered the purpose designed, inasmuch as the senators in congress are paid by the United States.

On the 4th day of February, 1866, their constitution was introduced into the council, accompanied by a joint resolution in these words:

Resolved, By the council of the house of representatives of the territory of Nebraska, that the foregoing constitution be submitted to qualified electors of the territory, for their adoption or rejection, at an election hereby authorized to be held at the time and in the manner specified in the seventh (7th) section of the schedule of said constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

The constitution was not printed for the use of either house. No amendment was permitted to one of its provisions. A strenuous effort was made to obtain an amendment separating the election upon the adoption or rejection of this instrument from that for the state officers; but the decisive answer was, candidates for office under the state organization, will support the constitution. The effort, therefore, failed. On the 8th the resolution passed the house, and on the 9th was approved by the governor.

The canvass, such as it was, opened.

Governor Saunders, Chief Justice Kellogg, Secretary Paddock, Major-General Thayer, George Francis Train, John I. Redick, Mr. Butler, republican candidate for governor, and Mr. Kennard, for secretary of state, Major Taffe, Indian superintendent Irish, and a large number of others, went into every part of the territory, into the cities and the hamlets, and from house to house advocating in public speeches and in private conversation the cause of state organization. Every influence, every device, every false argument and every false statement was pressed into the service; not a single newspaper in the

territory opposed the movement with vigor. Mr. J. Sterling Morton was the only person who spoke publicly against it. He was the democratic candidate for governor. Party questions required discussion at his hands. Out of deference to those democrats who favored the measure, he felt constrained not to give it a persistent opposition.

Under circumstances so favorable to the measure the election was held on the 2d of June. It had been given out, in an unofficial way, that the constitution was carried by a majority of one hundred. The governor, the chief justice, and the United States attorney, were the canvassing board. To this day no proclamation has been issued by the governor, no document over the names of the board has been published declaring the result. Why this reticence after such efforts to secure the result claimed, we cannot conceive.

But it has been questioned, whether of the legally polled votes there was in fact a majority of one hundred—or any majority at all. We will endeavor to answer that question.

1. There is in Cass county a precinct known as Rock Bluffs. On the 2d of June an election was regularly held in this precinct, at which 158 votes were polled, a majority of seventy-eight of which were against the constitution. In the county canvass, this vote was excluded on account of certain alleged irregularities in the manner of conducting the election and certifying the returns. No fraud is pretended. The nature of the irregularities will be examined hereafter. It is enough for our present purpose to say that the vote was excluded in the canvass for irregularities merely, and consequently does not appear in a count, which gives a majority of one hundred for the constitution.

2. A large number of the soldiers who enlisted at the commencement of the war and until the present time have served in the First Regiment of Nebraska Volun-

teers, were from Iowa. They lived in that state at the time of their enlistment. During the war, commissioners have been sent by the governor of that state to take their votes at the state elections, and they have voted at such elections as Iowa soldiers. They did so as recently as last fall. These soldiers were, on the 2d of June stationed at Fort Kearney. A poll was held then at which 134 soldiers voted for, thirty-four against, the constitution. Of the former at least forty were Iowa soldiers, and never resided in Nebraska, save when on military service therein. Section 5 of the organic act provides that "no soldier shall be allowed to vote or hold office in said territory by reason of being in service therein."

3. Colonel Matthewson, agent of the Winnebago Indians, had, on the 2d of June, been in Nebraska only four months; whereas the laws of the territory required six months residence to constitute a qualified elector. He had eighteen halfbreeds vote at the reservation for the constitution.

4. In Merrick county is a precinct known as Poll Creek, at which an election was regularly held, and a majority of eleven given against the constitution. The county clerk threw out this vote, for alleged irregularities of the same character as those at Rock Bluffs, and of course it was not counted in the canvass which gave a majority of 100 for the constitution.

These statements sum up as follows:

1. Rock Bluffs precinct.....	78
2. Iowa Soldiers.....	40
3. Col. Matthewson and his half-breeds..	19
4. Poll Creek precinct.....	11
<hr/>	
Illegal and suppressed votes.....	148
Deduct the majority claimed.....	100
<hr/>	
Majority against the constitution.....	48

No attempt is made here to show all the illegal votes cast for the constitution. If prosecuted thoroughly, such an attempt would, it is believed, show that the instrument was rejected by a clear majority of 200 qualified electors. Our purpose is answered as well by showing a majority of twenty as of 1,000.

The territorial canvassing board, notwithstanding all the above illegal and suppressed votes, show that Mr. Morton, the democratic candidate for governor, received 3,948 votes, and, according to the official canvass, was defeated by 145 votes; while the constitution received only 3,923 votes and was carried by 100 majority.

The whole number of votes said to have been polled both for and against the constitution is 7,746, while the whole number of qualified electors in Nebraska is at least 12,000.

THE BALANCE OF POWER.

The house of representatives contained thirty-eight members. The seats of the four members from Cass county were contested. Excluding these four, the house stood seventeen democrats and seventeen republicans. The party which secured the Cass county representation would, of course, be in the majority. The senate contained thirteen members. The seats of the senator from Cass and of the senator from Cass, Lancaster, Saline, etc., were contested. Excluding those two seats, the senate stood six democrats and five republicans. Here, too, Cass held the balance of power. But the board of county canvassers issued certificates of election to the republicans, which at the organization of each house gave them the seats and placed the democrats in the attitude of contestants. Until the house should declare the latter entitled to their seats, the former participated in the action of the legislature as any other members, and the house stood twenty-one republicans to seventeen democrats, and the senate stood seven republicans to six democrats. The con-

stitution provided that the territorial election law should continue in force until amended or repealed by the state authorities. This law provided for the prosecution of contests between persons claiming adversely to be elected to either house of the legislature. In pursuance of it, each democrat claiming to be elected, served upon each republican who held the county certificates, notice of contest and of the taking of depositions in support of his claim. Voluminous testimony was taken on both sides. When the house was organized, (and we present the facts as they transpired there, for the sake of brevity,) these contests were duly brought forward and referred to the committee on privileges and elections. This committee refused to consider or read, or so much as open the depositions taken. The majority reported to the house a series of resolutions—one of which declared that Samuel Maxwell, one of the sitting members, was entitled to his seat; another one of which declared the same of Mr. Bell, and so on, until the seat held by each republican was in its turn separately awarded to him. The minority, in their report, reviewed the evidence at length, showed that the contestants were entitled to their seats, and recommended a single resolution accordingly. Without debate, without hearing the evidence, and without consideration, the house laid the minority report on the table, and brought the four resolutions recommended by the majority to a vote one by one. In this operation the sitting members moved the previous question five times and were sustained by their friends. And so it happened when the vote was taken upon that declaring Samuel Maxwell entitled to the seat he occupied in the house, seventeen republicans who were entitled to seats in that body voted aye; seventeen democrats voted nay; and Mr. Maxwell's colleagues, Mr. Bell, Mr. Hathaway, and Mr. Chapin voted aye; whereby the vote was made to stand twenty to seventeen. So Mr. Maxwell retained his seat. And so when the resolution in favor of Mr. Bell was brought forward, the members

entitled to vote stood seventeen to seventeen, and Mr. Maxwell took Mr. Bell's place in voting, and, with Mr. Hathaway and Mr. Chapin, gave the sitting member his seat. The same farce was played for the benefit of Mr. Hathaway and Mr. Chapin in succession. The same practice obtained in the senate and defrauded the democracy out of three seats in that body. When this system of mutual support and alternate voting had disposed of the six contests from Cass, the two houses went into joint convention, for the election of United States senators. Fifty votes were cast on the first ballot—all the republicans, twenty-eight in number, for T. W. Tipton, and all the democrats, twenty-one in number, voting for J. Sterling Morton. On the second ballot the same number of republicans voted for John M. Thayer, and the same number of democrats voted for A. J. Poppleton. Had the six seats of the members from Cass been occupied by democrats, who had been fairly elected, the vote would have stood for Mr. Morton and Mr. Poppleton, twenty-seven, and for Mr. Tipton and General Thayer, twenty-three.

We have stated that the vote of the Rock Bluffs precinct was suppressed by the board of county canvassers. Again for the sake of brevity, we will consider the effect of that action upon the election of the members of the house of representatives. If that vote had been counted by the canvassing board, all of the democrats would have been elected by majorities varying from four to twenty-one. That vote being suppressed the republicans appeared to be elected by a vote varying from twenty-five to forty-two. The act of the county board, then, in suppressing that vote, and awarding the certificates of election to the republican candidates, gave the organization of the house to that party, placed it in the power of those candidates to vote for themselves on the resolutions of the majority of the election committee, and thus gave the house permanently to the republicans. The same is true of the senate. The same is likewise true of the joint convention

which elected senators. In determining whether Nebraska shall become a state, in electing the representation of Cass county in the legislature, in deciding the political complexion of the two houses, in electing United States senators, the source of power is the board of county canvassers.

THE LITTLE JOKER.

The authority of this board is derived from sections 19, 21, and 22, of the election law of the 15th of February, 1864. Section 19 requires the judges of election in each precinct to enclose one of the poll books and tally lists in a sealed envelope, and direct and convey the packet to the county clerk. Section 21 requires the county clerk, together with two free-holders of the county to be selected by him to open the several packets, and make abstracts of the votes therefrom. Section 22 provides that after the abstracts are made, the persons having the highest number of votes shall be declared duly elected, and the county clerk is required to issue the certificates accordingly. From these provisions of the law, it is apparent that the county board have no power to go behind the returns made by the precinct judges of election. If frauds have been perpetrated, the remedy elsewhere is provided. But the county board usurped the power. The law requires the several county boards to make their returns to the territorial board, composed of the governor and other officers. The provisions prescribing the powers and duties of the territorial board are the same as those prescribed in the sections above cited for the county board. When the territorial board had assembled to canvass the returns, proper representations were made to it of the action of the Cass county board. Its members were appealed to, to undo the wrong, but it refused to do so, alleging that its powers were ministerial, —merely to count the returns made to it, and simply declare such result as the returns of the county clerks

showed. Thus the very same terms of the law are construed to authorize one set of officials to go behind returns made to them and not to authorize another set of officials to go behind returns made to them. The law may be used to commit the wrong of disfranchising a community; it cannot be used to redress such a wrong. And not only is there no remedy; there is no punishment for the wrongdoer. The county clerk is selected under territorial laws, and exercises his office under the authority of the territory. At the time these acts were committed there were no state courts, no state laws. The territory cannot punish him for the election and his action was outside of its authority. The state cannot punish him, for it did not exist and had no laws to be violated when the offense was committed. And so he escapes. He knew this at the time. After the county canvass was held, he hesitated in issuing the certificates. A distinguished judicial officer laid his fears of punishment to rest, and thereupon he committed the act.

In the contest for seats in the two houses, this county clerk, Burwell Spurlock by name, was examined. His deposition is full of evasions, contradictions, and inconsistencies. We cannot take up our space in showing by them what manner of man he is. This, however, is the account which he gave of the manner in which the canvass was conducted. He, a republican, selected two persons as freeholders, who were also republicans, to act with him. They retired to a room which they locked and kept locked during the session. One of the board during the session, went out and brought in W. F. Chapin, who was one of the republican candidates for representative. Mr. Chapin was sworn by the county clerk, and testified that the precinct election board adjourned an hour at noon and an hour at evening, for dinner and supper, and that one of the judges took the ballot box home with him each time. No other testimony was taken. The board had before it a remonstrance, protesting against counting

the vote of Rock Bluffs. It was written by Major D. H. Wheeler, agent of the Pawnee Indians, and signed by two residents of that precinct, and one of Plattsmouth. The clerk had been informed of the adjournments, by democrats, to whom he applied for information. Upon the strength of this evidence—of the production of which the other side were not in any manner notified—in this secret manner, this board determined to, and did, suppress the vote of Rock Bluffs. Such is Mr. Spurlock's testimony.

In order to place upon the record, side by side with this section, their apology for it, the board drew up and filed a paper, called a "report." In this they allege as the reasons for their action, fraud, the irregularity in adjourning the polls at noon and evening, and the fact that the poll-book and tally-sheet were not separately certified. Let us examine these three reasons separately.

1. The charge of fraud. Mr. Spurlock, himself, swears that there was no evidence of fraud, but that the board thought that there was "possibility of fraud." On the other hand, the judges and clerks were sworn and they all agree in this statement: at noon Mr. Hutchinson, the senior judge, declared the poll closed for one hour, Mr. Murray, another judge, locked the ballot box securely and put the key in his pocket, and then the poll books were locked in a desk, Mr. Murray also taking the key. Mr. Murray went in another direction to his dinner. During the interval Mr. Hutchinson and Mr. Smith both had the box constantly in their view, and it was not opened or otherwise tampered with. All the members of the board met at the door of the house, about the same time after dinner, and went in together. The poll books had not been disturbed. The same thing was done at 6 o'clock in the evening. Each adjournment was about an hour in length. No one was deprived of the opportunity of voting, by the adjournment. And all whose names were on the poll-book voted, and all but one of them were qualified electors. As if to show the utter impossibility of

fraud, the ballots cast were produced and the number of each was found to correspond with the number on the poll-book of the name of the elector who cast it. This statement is in every particular sustained by the evidence produced. It effectually disposes of the wanton charge of fraud.

2. The adjournments are, also alleged as reasons for the action of the board. The facts touching this pretense are stated above. The board itself, certainly did not consider them as justifying their action, for in the Mount Pleasant and the Weeping Water precincts, the same thing occurred. As those precincts gave decided majorities for the constitution and the republican ticket, no objection was taken to their action. It was different in the case of a precinct which voted the other way.

3. The statute evidently contemplates that the poll-book and tally-list returned to the county clerk, shall be separately certified by the judges and clerks of election. At Rock Bluffs the poll-book, tally-list, and abstract, which are required to be made out and returned, were all bound up together in a book, and one certificate to all of them appeared at the end. The clerks and judges testify that they did not certify each document by itself, because they supposed the one at the end of them all, was sufficient to have covered all the three together. This irregularity also occurred at Plattsmouth, but was not considered fatal to its vote. Indeed these men who are such sticklers for the law, and the exact compliance with its provisions, have themselves failed to observe its requirements. It is required that the clerk shall select, to act with him, "two freeholders of the county." These two freeholders do not appear to be freeholders of Cass, but only freeholders generally; perhaps of Otoe county; perhaps of Iowa. We have already seen that what is good law in one case is not in another. These men acted on their principle in discriminating in their decisions, in favor always of republican, and against democratic precincts.

It was never before held that mere irregularities in conducting elections should disfranchise a whole community. The question has been repeatedly decided by the most learned courts, which, in their determinations, have been free from the prejudices and excitements of political assemblies. One of these decisions is that of the court of appeals of the state of New York, in the case of *The People vs. Cook*, reported in 6, Selden, 67. On page 86 the court, in a very carefully considered opinion, say on the subject of irregularities of the character mentioned above: "There are various duties enjoined by law on the inspectors, (i. e. the judges of election), the great objects of which are: First, To afford to every citizen having a constitutional right to vote, an opportunity to exercise that right. Second, To prevent every one deprived of that right, from voting. Third, And to conduct the election in such a manner in point of form, that the true number of legal votes can be ascertained with certainty. If all these objects be accomplished, to reject the whole vote, because the inspector (i. e. the judges) failed to comply with every prescribed regulation, would be to place a higher value on the statute regulation than on the right itself. It would be a sacrifice of substance to form." A multitude of cases deciding the same thing might be cited.

Now let us apply these statutory principles to this case. First, It was proved and we have stated above, that no one was deprived of his right to vote by anything that occurred at Rock Bluffs. Second, With a single exception no one voted who had not a right to vote. Third, the poll-book, verified by the judges and clerks, and the tally-list both included in the final certificate of judges and clerks, show with absolute certainty what was the true number of legal votes. The three objects of the law specified by the court were accomplished. In its language, "to reject the whole vote, simply because the judges" went home to dinner and supper, and certified the poll-book and tally-sheet at the end of the abstract instead of

separately, "is to place a higher value on the statute regulation than on the right itself. It would be a sacrifice of substance to form." To reject the whole vote for the reason that five men did not do their exact duty, is to say that five men have it in their power at any time to disfranchise five thousand. It is giving to five men the power which in this case three men usurped. No court ever so held; no honest man will ever so decide.

THE RECORD OF THE CANVASSERS PRESERVED.

Alvin Saunders, the governor, A. S. Paddock, the secretary, and William Kellogg, the chief justice, all of them with the radicals, and aspirants for seats in the United States senate, are the learned arithmeticians who counted the votes for the constitution and declared it carried. The following table is their production:

TABLE OF THE VOTE GIVEN IN NEBRASKA, JUNE 2d, 1886.

COUNTY.	Constitution		Governor.	
	For	Against	Butler, rep.	Morton, dem.
Burt	222	42	125	112
Buffalo.....	1	41	10	32
Cedar.....	12	39	29	31
Cuming.....	31	41	28	51
Cass.....	233	480	375	377
Dixon.....	34	36	30	30
Dakota.....	106	32	87	107
Douglas.....	491	572	426	645
Dodge.....	96	45	110	33
Gage.....	96	61	116	89
Hall.....	2	29	10	27
Johnson.....	108	69	121	76
Jones.....	32	13	50	2
Kearney.....	21	7	22	28
L'eau-qui-cours.....			10	1
Lancaster.....	95	53	112	53
Lincoln.....	30	20	16	36
Merrick.....	16	8	16	8
Nemaha.....	346	489	533	306
Otoe.....	432	870	462	882
Platte.....	133	55	90	89
Pawnee.....	233	32	238	32
Richardson.....	503	373	487	409
Sarpy.....	109	231	106	235
Seward.....	23	24	28	14
Saline.....	5	54	11	50
Washington.....	404	89	283	205
Company A Volunteers.....	62	1	63
Company C Volunteers.....			29
Company F Volunteers.....	42	1	42	1
Company G Volunteers.....	16		5	11
Company K Volunteers.....	14	30	13	29
Total vote	3938	3838	4093	3948
Majority.....	100		145	

Scattering, Kearney, 10; Seward, 11. Total, 21.

A radical board of canvassers thus declared the democratic state ticket defeated. This declaration is made by refusing to count the votes of 158 *bona fide* citizens of the Rock Bluffs precinct in Cass county, and at the same time counting the soldier vote of men who lived anywhere but in Nebraska. We can illustrate this subject by an analysis of the respective votes given to David Butler, candidate

for governor, a very strong leader of the radicals in Nebraska, and his opponent, Morton, the democratic candidate for governor:

Butler's entire vote is.....	4,093
We deduct from this the soldier's vote cast for him	152

And his citizens' vote is shown to be.....	3,941
By throwing out Rock Bluffs' vote, Butler lost.....	50

Adding that fifty we have exactly.....	3,991
--	-------

That is to say, Butler has a citizens' vote of 3,991.

Morton's entire vote is.....	3,948
We deduct from this the soldiers' vote cast for him	41

And his citizens' vote is shown to be just.....	3,907
By throwing out Rock Bluffs, Morton lost 107; add that in.....	107

And we find his citizens' vote to be.....	4,014
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That is to say, 4,014 citizens voted for Morton for governor, and that honestly and legally elected him, by a majority of just twenty-three votes over David Butler.

Thus the entire democratic ticket was elected by the legal home vote of the *bona fide* citizens of Nebraska. That ticket was:

For governor, J. Sterling Morton.

For secretary of state, Charles W. Sturgis.

For chief justice, Wm. A. Little.

For assistant justices, B. E. B. Kennedy, E. W. Thomas.

For treasurer, St. John Goodrich.

For auditor, Guy C. Barnum.

For member of congress, John R. Brooke.

The law, so called, submitting the constitution for the state of Nebraska, to a vote of the people, declares that if the constitution shall receive "a majority of the legal votes cast," it shall be declared adopted.

The aggregate vote given for the respective candidates for governor is between 8,000 and 9,000 according to the

table above. But the entire vote for the constitution is only 3,980, and yet Saunders, Paddock & Co., declare it to have received a majority of the legal votes cast. Less than 4,000 is so declared by these gentlemen a majority (or more than one-half), of more than 8,000.

THE NAMES PRESERVED.

E. B. Taylor, superintendent of Indian affairs, editor of the Omaha Republican, and author of the radical platform upon which Butler ran, was a prime mover for statehood and against the policy of President Johnson. He was ably supported in his radicalism by William Kellogg, chief justice; A. S. Paddock, secretary; A. Saunders, governor; E. S. Dundy, associate justice; George Smith, postmaster at Omaha; Indian Agents Wheeler, Norris, Furnas, Matthewson, and Land Officers Trumbull, Buck, Waters, and in fact by each and every one of the federal officials in the territory of Nebraska except, perhaps, three!

No true friend of the reconstruction policy of President Johnson, having read the veto message of the president in the Colorado case, could or would advocate the adoption of statehood by Nebraska. But few earnest friends of the Union and conservatism in Nebraska made strenuous efforts for the adoption of the constitution, though politically the word "white" being prominent in its qualifications for electors, it was palatable to all conservatives. With a few honorable exceptions statehood was advocated only by debilitated politicians who had, under their commissions from the president, temporary homes in Nebraska, and they were seeking offices for themselves and caring nothing for the people. They were cheats and remain unchanged.

Electors of Nebraska: We have, in all candor, calmness and honesty detailed to you the history of the last scheme to force a government upon you, against your will. We have shown you how men who did not reflect your views, succeeded in stealing their way into the legis-

lature. We have shown you how others were perverted to aid a measure which neither they nor their constituents approved; how the constitution was passed the legislature, not as reflecting the wisdom of that body, but as furthering the designs of selfish men; how it was represented to have received the approval of, when in fact it was rejected by, the people. We have shown that the men who did these things were not content with them, but pursued their game to the end and certified into the legislature men who were never elected; in violation of the rights not of one precinct only, but of the territory, and thereby elected two radical senators, whereas conservative men were entitled to that distinction. In the hands of such men nothing is safe; popular elections are futile; popular majority nonentities; their own unbridled will is all in all.

J. G. Megeath,

M. H. Wilbur,

Senators from Douglas.

O. Stevenson,

S. H. Calhoun,

Senators from Otoe.

David Leach,

Senator from Sarpy and Dodge.

J. W. Paddock,

Phillip O'Hanlon,

William Denton,

A. J. Crichfield,

V. Buckley,

Members of the House from Douglas.

Albert Tuxbury,

James Thorn,

E. S. Reed,

J. Graves,

D. M. Anderson,

Members from Otoe.

James E. Boyd, Member from Buffalo.

E. H. Thomas, " " Burt.

Russ H. Wilbur,	"	"	Dakota.
E. A. Baker,	"	"	Dakota.
Theo. H. Robertson,	"	"	Sarpy.
James Smith,	"	"	Sarpy.

NEBRASKA SILVER ANNIVERSARY.

Celebrated at Lincoln, Nebr., May 25 and 26, 1892.

The silver anniversary of the admission of Nebraska into the union that was celebrated in Lincoln on the 25th and 26th of May, 1892, had its inception at the annual meeting of the Real Estate Exchange of Lincoln held December 7th, 1891. At that meeting Mr. H. M. Bushnell offered the following resolution, which was unanimously adopted:

Resolved, That the president of this exchange be, and is hereby authorized to appoint a committee of five from the membership of which the president shall be one, to act with a like committee from the board of trade, the two committees to comprise a general committee whose duty it shall be to arrange for and carry out a proper celebration in the city of Lincoln of the twenty-fifth anniversary of the admission of Nebraska into the union.

Resolved, That the board of trade be, and is hereby requested to name a committee from its membership as outlined above.

At a subsequent meeting of the board of trade the above resolution was unanimously approved and the following committees pursuant thereto were named:

From the Real Estate exchange:

H. M. Bushnell.
John H. McClay.
John J. Gillilan.
E. R. Sizer.
M. L. Trester.

From the Board of Trade:

C. A. Atkinson.
J. J. Butler.
H. D. Hathaway.
A. K. Griffith.
A. E. Hargreaves.

Shortly after the naming of the committees Mr. Hargreaves resigned and Mr. R. H. Oakley was substituted in his place, and Mr. Will Owen Jones succeeded Mr. H. D. Hathaway. On the 12th day of January, 1892, the above committees met and organized as a general committee to take up the work. The general committee organized by electing H. M. Bushnell chairman, C. A. Atkinson secretary, and John H. McClay treasurer, with the proper sub-committees to take up different branches of the work. Meetings of the general committee were held weekly thereafter, and at such intermediate times as proved necessary. The dates for holding the celebration were fixed on the 25th and 26th of May, and the general plan agreed upon was to make the celebration historical and industrial, and to that end the general plan followed was to have literary exercises at the Lansing theatre on the evening of the 25th, and at the capitol grounds on the evening of the 26th, with the living ex-governors of the state as presiding officers for the meetings. Complete arrangements were made for the reunion of Nebraskans who had been residents of the state during its twenty-five years of statehood, and also for the organization of the sons and daughters of Nebraska. The industrial part of the program consisted of a grand street pageant on the

afternoon of the 26th, typifying Nebraska in its early days, its growth and industrial achievements represented by floats from the different cities and towns in the state illustrating the particular industries of the different places. The evening of the 26th was given over to a grand electric illumination of the city, with band concerts at different parks and stations in the city.

The people of Lincoln co-operated with the general committee in the long work of preparation in the most enthusiastic way and the days of the celebration found all work complete for a magnificent demonstration. The literary and historical meetings taxed the capacity of the theatres and capitol buildings, and the industrial pageant was over four miles in length, as it moved along its way on the afternoon of the 26th. Some twenty towns were represented by magnificent floats, including Kearney, Beatrice, Nebraska City, Fremont, Tecumseh, Pawnee City, Seward, and Grand Island. Fifteen bands were in the line, and under the guidance of Chief Marshal R. H. Oakley the people of the state saw a most triumphant exposition of the marvelous growth and development of Nebraska in its first twenty-five years of existence. To the city of Kearney with its float representing its great cotton mill was awarded the prize offered by the committee for the handsomest float in line, the prize being a richly engraved silver tablet costing \$150.00. The electrical display and general illumination in the evening was the most complete and elaborate ever witnessed in the state. It was estimated that upward of 7,500 people attended the silver anniversary celebration from outside the city of Lincoln.

Andrew Johnson would have felt like getting up and explaining his vote on the Nebraska bill had he been present last night at the Lansing theatre and beheld the vast audience, tier upon tier, each particular one being

inspired with a desire to learn more of the momentous event which they were evidently proud to celebrate. Bright sunflowers of velvet and silk worn on the lapel marked the presence of Nebraska sons.

The audience was certainly a representative one. On the stage were Hon. R. W. Furnas, Brownville; Hon. J. W. Dawes, Crete; Hon. T. M. Marquett, Lincoln; Hon. M. L. Hayward, Nebraska City; Hon. W. F. Norris, Ponca; Mayor Weir, Lincoln; W. M. Maddox, Falls City, who is one of the oldest settlers of Nebraska. In the boxes were Governor Boyd and party, together with the state officers, Secretary Allen, Treasurer Hill, Auditor Benton, Attorney-General Hastings, Land Commissioner Humphrey, State Superintendent Goudy.

Ex-Governor Thayer was also present, together with scores of prominent Nebraskans from all parts of the state.

The stage was made gorgeous in decorations and ornamental plants. Seated in tiers were the members of the May festival chorus. A feature of the decorations was a large painting representing the state's coat of arms, draped with flags and bunting and bearing in large letters the motto "Equality Before the Law," together with the characteristic figures, "1867-1892."

The opening exercises were preceded by the introduction of Mrs. Raymond as director of the May festival chorus, comprising sixty persons. The chorus, with Mrs. Will O. Jones at the piano, gave an excellent performance, one on a par with the series given in the same house the week before. The applause that ensued was evidence that the audience appreciated the training shown in executing a difficult chorus.

Mayor Weir made a few preliminary remarks in introducing Hon. R. W. Furnas, congratulating the audience on enjoying a rare experience, that of being seated in the presence of so many distinguished Nebraskans. Governor Furnas responded by stating that he

was proud of being able to preside jointly over the meeting with Governor Dawes. He spoke as follows:

MR. MAYOR:—I assure you it is with no ordinary degree of pleasure—pride in fact—that I accept the honor tendered, of jointly presiding over this commemorative assemblage of Nebraska people.

FELLOW NEBRASKANS:—Retrospecting successes stimulate and encourage to further efforts, more enlarged and higher duties. The progress and development made by Nebraska during her first quarter of a century of statehood is of this character. Hence this convention of participant-contributors, is to review the past, and to outline the future, as it were.

The occasion and the act are timely and good. Why not those who forsook parental roofs; the conveniences and comforts of the old homes; the endearing associations of mother, sister, father, brother and school day friends, to cast lots in the wilds of a new and untried land that home foundations might be laid for those who come after us—why not such commemorate?

To me the term “old settler” has a peculiarly interesting, pleasant, and I may say, musical sound. It reminds of early days; early struggles and glorious results. I would not exchange my ten to fifteen years of early pioneer life in the new west, for all the balance of my terrestrial existence. They were days and years worth living for, and remembering; they were times when there was more concentration and unity of thought and action; more devotion to combined interests; more thoughtfulness and care for each other's protection and welfare; more lasting friendships formed. After conditions and surroundings, however exacting and even ruthless they may have been, have not obliterated or defaced early pioneer attachments or friendships. They are, and ever should be, as enduring as time itself. It mattered not what our political opinions, religious creeds or nationality. We stood on a common platform and battled for a common cause and a

common good. The very nature of things and surroundings required it to be so, and downright, unadulterated enjoyment followed. I fancy sometimes the sun shone brighter then; the rains were more refreshing; the atmosphere was purer; the eye could reach out over a greater expanse; hard work was less of a burden; we slept sounder; breathed easier; stepped lighter; in short, enjoyed life an hundred fold more than now. To those who came to Nebraska in the very early days, there was nothing inviting. All was new and untried. The results, however, of early work, as they stand out before us today, are grand and glorious. We need not be ashamed of the inheritance we place in the hands of our children.

Thirty-seven years ago last month, I cast my lot in the then territory of Nebraska. Thus I was one of the very early settlers. Having been a continuous resident from that date to the present, I have been an eye witness to the unprecedented development of this progressive young commonwealth. Retrospective comparison astounds, bordering on unbelief. Then there was not an acre of land under cultivation within the present boundary of the state; not a school house or school within its borders; not a church spire pointing heavenward; not even a blazed pathway across the trackless prairies; no means of communication save nature's highway, the Missouri river, and that available only during propitious portions of a very limited season. We were substantially isolated from civilization. Nothing but a few indomitable pioneers, who had adventurously cast their lots in the then very new west.

Now to know that enterprising brain and brawn direct the plow and reaper, utilizing, in round numbers, 10,000,000 acres as fertile and productive soil as sun ever shone upon; that nearly 6,000 miles of railway has most effectively obliterated the original water-way, and in its stead, traverses the state from all points of the compass, leading into nearly every organized county, bearing

away with the speed of steam, our surplus products in the forms of staple life foods, by the millions of bushels, and almost as many tons annually. Today through the instrumentality of an unexcelled educational system, supported by a munificent fund, and operated by a liberal minded, intelligent people, no portion of the state is left unprovided with school and school house. Church bells almost within sounding distance of each other, in all parts of the state, invite, each Sabbath morning in the year, grateful beings to assemble and pay homage due the Author of all we enjoy. Accumulations of honest millions of solid wealth have attended persistent energy and industry. Since the presence of the white man extinguished the Indian camp-fire, millions of forest and fruit trees greet the eye of the traveller, as by steam power he speeds across the once treeless prairie.

In continuation of this line of thought, and in connection with our progress and development, I am reminded of a speech I heard that noted character, the late Henry Clay Dean make, in territorial days, thirty-five years since. In his prefatory complimentary remarks, such as are usually made on like occasions, referring to locality, citizens and general surroundings, among other things he spoke of the passage of the Kansas-Nebraska act of 1854, opening up the new west—the country east of the Rocky mountains and west of the Missouri river. In substance he said: "It is but yesterday when all about us was the desert waste. The Indian and buffalo were supreme, undisputed autocrats, and sole possessors of the whole land, unmolested by the civilizing presence or influence of the white man. Suddenly the white man spoke, and they heard his voice. It was a strange voice. Before it the buffalo fled; the Indian struck his tepee and followed, for he was dependent on the buffalo. Strange results, fellow-citizens, will follow." There was a peculiar, prolonged, low guttural emphasis given the word "strange," which only the eccentric and gifted Dean could give. The

impression made will never be forgotten—"a strange voice," and "strange results" have followed.

It was a reiteration, however, in another form, of the "tramp of millions" voice, uttered years before, by Thomas H. Benton, the father-in-law of John C. Fremont, who had previously ventured into and across this land we now inhabit. "Strange" since that voice was officially uttered, what wonderful developments and advancements have been made. The plow followed in the wake of the fleeing bovine and aborigines, supplemented by cultivated fields, the sickle, the school house, the church, the railroad, and all the other civilizing influences, until today an unlimited vision looks out over the area originally indicated, in utter amazement, beholding results beyond those of the most chimerical dreamer, prepared to have faith in any other further prediction made. "It was a strange voice."

All this, to me, is a matter of pride, beyond the power of language to express, and I would fain indulge more in detail, did place and occasion permit.

The French writer, De Tocqueville, seventy years ago, when the Missouri river was so far west of the line of dreamed-of settlement, as to be unthought of, and the place where we are this moment convened unheard of, wrote these words: "The gradual and continuous progress of the European race toward the Rocky mountains has the solemnity of a providential event. It is like a deluge of men rising unabatedly and daily driven onward by the hand of God." If the slow movement of population in that day was "a deluge of men," what would the great Frenchman say could he behold the mighty waves which roll westward these latter days, since Horace Greeley said: "Go west, young man?" What would the sage of the Tribune say and think, could he today stand at the crossings of any of our great lines of railway, over the Missouri river, leading westward, and witness the innumerable host following, where "the star of empire

leads the way?" Methinks his exclamation would be not unlike that of good old Simeon, when he said on a memorable occasion, narrated in Biblical history: "Now lettest thou thy servant depart in peace, for mine eyes have seen thy glory."

When the Pacific railroad was under consideration in congress, Proctor Knott, of Kentucky, expressed a "moss covered" philippic, relating to continental railways in these words: "As to those great trunk lines of railroad spanning the continent from ocean to ocean, I confess my mind has never been fully made up. It is true they may afford some trifling advantage to local traffic, and they may, in time, become the channel of a more extended commerce; yet I have never been thoroughly satisfied, either, of the necessity, or expediency of projects promising such meagre results to the great body of the people."

Since Mr. Knott's expression, in which he further designated what we see and know as the new west, as "a vast *terra-incognita*—the bleak region of the north-west," it has become an empire of great states, and of a higher grade of civilization.

"The founder of the city of Boston, after exploring fifteen or twenty miles to the west, decided that the settlement would probably never extend much beyond that, doubts being expressed as to the desirability of the country beyond a fringe of twenty miles of coast line." This has been the story of the settlement of the whole country. The desert was west of Boston; of New York; of Buffalo; of Cleveland; of Detroit; of Chicago; of Omaha; of Denver.

The settlement of this trans-Missouri country has no parallel in history. "The migration of Asian peoples across the plains of ancient Europe bears no comparison with the wave of civilization which has swept over the American west during the last few decades." Those who have not personally witnessed the marvelous growth of the region west of the Missouri river, cannot realize the

magnitude of the development. "Thrifty, intelligent people convert its resources into usefulness, luxury, and wealth, with a progress that gathers momentum like a falling body. Having no precedent, it cannot be judged by the past. And as there are no new worlds, it cannot have a parallel. Today the surveyor lays out; tomorrow it is built."

Governor Dawes, resident in Nebraska for twenty-one years, was introduced as one of the chairmen. He spoke briefly:

FELLOW CITIZENS, LADIES AND GENTLEMEN:—We meet upon this anniversary occasion to exchange congratulations upon the large degree of prosperity that has waited upon, and attended our beloved Nebraska all along the years comprising her life, both territorial and state.

The subjects of "Nebraska as a Territory," "Nebraska's Admission to the Union," and "Nebraska as a State," having been assigned by a committee in charge to those who have made special preparation for their presentation to you this evening, my duty as I have construed it, is that merely of your presiding officer, that of him who gives expression to the hearty welcome which Lincoln the capital city of our state extends to all, that of him who voices the prevailing good cheer, the community of interest, the individual pride, and the collective pride, of a people happy and contented in the present, resolute and hopeful as to the future. Reasons most eloquent for happiness and hope, exist in the conditions social and material that surround us upon every hand at the close of the period which this silver anniversary commemorates, the first twenty-five years of Nebraska's existence as a state.

Anniversary days should be days of rejoicing. We have our public anniversaries, and our private, or family, anniversaries. This as I understand it, my fellow citizens, is in the largest sense a family anniversary; and the family is fairly well represented here this evening. In this country where the will of the people is the supreme law, where

the problem of man's capability for self-government has had its fullest demonstration, in this country of all others beneath the sun the home is the unit of political power, the commonwealth, the state, but the aggregate of that power. Under the genius and spirit of our free institutions, the act of a people in assuming under the constitution, the garb of statehood, setting up and establishing for themselves state government, taking their places among the states of this grand Union, is to me a sublime spectacle. Well and nobly has Nebraska maintained her rank and station, and it is indeed most fitting, that the people of this great commonwealth, with feelings of pardonable pride, should today in spirit of recognition as to past achievements, in spirit of prophecy and hope, as to the future, celebrate with music, song, and glowing speech, the birthday of Nebraska.

Nebraska in the past has been, as she is today, a central figure. Let us not forget that around her, when territorial government was instituted, centered those great debates involving the principles of human equality, and universal freedom; and that here in Nebraska, was sounded the key note of the enfranchisement of a down-trodden race.

Nebraska was organized as a territory May 30th, 1854, and admitted into the Union as a state March 1st, 1867.

Nebraska is a great state in many respects. Great in her dimensions, embracing an area or extent of territory of 76,000 square miles, or an acreage in round numbers of 48,000,000. Twenty thousand more square miles than the great state of Iowa; 12,000 more square miles than all New England; almost twice the size of the great state of Ohio; and with an available acreage equal to both the great states of New York and Pennsylvania. A kingdom in extent, yea more, kingdoms; for does it not embrace within these limits, the homes of hundreds of thousands of American citizens, each of whom is clothed with rights,

and prerogatives, that constitute him the more than equal of any king.

Great, in the increase of her population, that in 1855 numbered a little more than 4,000; in 1871 122,000; in 1880 452,000; and today 1892, numbering not less than 1,250,000.

Great, in the character of her population. A citizenship made up of contributions from the nations of the earth; and we may safely challenge any state to show among a given number of population, a greater degree of industry, sobriety, thrift, energy, enterprise, intelligence, or any and all of the attributes of character that tend in the direction of permanency, of enduring health and strength; whether it be of a community, state or nation.

Great, in her development, rapid though it has been. In the few short years that mark her life, crossed and re-crossed by the railroads, until we now have in active operation over 5,500 miles of railway. The railway has in turn been followed by the springing up of thrifty villages, towns, and cities, the opening of farms, and the dotting of our prairies with groves, each one of which, we will believe, embosoms within its sheltering arms that type and symbol on earth of heaven—a happy home.

Great, in the increase of her property valuation, that in 1868 was \$112,000,000; in 1880 \$360,000,000; in 1890 over \$800,000,000. A degree of development, great though it has been, that but faintly foreshadows the possibilities of our future; a degree of development that when we take into consideration the variety and extent of our resources, would seem to have bound or limit only as the energies of man have bound or limit. Great, in the invitation contained in our broad and fertile prairies—which are indeed “God’s fair acres”—and in our thrifty and enterprising towns, and cities, to men of whatsoever calling, whether the day laborer, the artisan, the farmer, the merchant, the professional man, or the capitalist, each and all can here find room for their energies, and in renumeration fields of labor, for in no country, is the return for industry

and well directed effort more speedy, or more generous than here. Great, in the character of the influences that are today in the ascendancy, and operating upon society at large. Influences industrial, commercial, social, and educational; influences that have legitimate aim and purpose, object and result in the conservation of good society, and good government. To such an extent are these influences today operating, as to warrant and justify me in saying that Nebraska is making not only rapid progress, but healthful and enduring progress.

My fellow citizens, men and women of Nebraska, let us all, with united and continued effort upon the lines of good government, that have guided us in the past, and which have brought to us such generous wealth of harvest and fruition, strive so to uphold the banner of our adopted state, that, when the period shall be reached, marking the golden anniversary of Nebraska's statehood, she shall stand, as she now stands, a bright particular star, among the galaxy of stars dotting that field of blue upon America's flag; stand as Nebraska stands today, in the very fore front, among the great states of this, the greatest nation upon earth.

Preceding the opening address by Hon. T. M. Marquett, the Aeolian quartette, consisting of Mrs. Campbell, Mrs. Wadsworth, Mrs. Bagnall and Miss Richardson, rendered a selection.

Mr. Marquett was introduced and spoke on

THE ADMISSION OF NEBRASKA INTO THE UNION.

I have been commissioned by those having in charge our Silver Anniversary, to say something about the admission of Nebraska as a state, and it becomes my duty to go back and talk about matters and political issues of twenty-five years ago. Whatever I may say, I trust will not be construed as in any way intended to awaken any of the prejudices or passions or feelings that existed twenty-five years ago. I refer to them for the single pur-

pose of giving as nearly as I may, the true history of our admission, and for no other purpose.

On the 19th of April, 1864, an enabling act authorizing the people of the territory of Nebraska to form a constitution and state government, and for the admission of the state, was passed and signed by the president of the United States. This act was signed by Abraham Lincoln at the time when the last and great plan formed by General Grant for the crushing of the rebellion, had about been consummated; by which he concentrated into two great armies the entire Union forces, which were to act, and at that very time were about ready to unite, in concert against the rebel armies. Lincoln was a warm advocate of the admission of western states. His object was doubtless to give strength to the loyal states and forever to do away with that phantom which seemed at that time to haunt the fancies of many of our leading men, a balance of power between the northern and the southern states in the senate of the United States. And at the time Lincoln signed the enabling act, he doubtless believed that Grant's plan for crushing the rebellion would succeed, and that his administration would soon be called upon to reconstruct and bring back the erring sisters who had persisted in their attempts to go out of the Union; and that it would therefore be necessary to have, independent of the southern states, a two-thirds majority to ratify any amendment to the constitution which would be necessary in order to fully adjust matters to the new order of things, the emancipation of the slaves, and to more fully reap the fruits of the great struggle.

The act of 1864, however, was not acted upon in Nebraska, farther than the election of members to the convention. The convention met but adjourned *sine die*. There was a strong feeling against the admission of the state at that time. This was shown not so much among the settlers of Nebraska as among those constituting a heavy influx from Missouri, and the first attempt made under

that act to organize a state, was a failure. But the friends of the administration did not desire that it should drop, and hence they brought the question up again at the next territorial legislature, which met in December, 1865. In February, 1866, the territorial legislature formed a constitution with the provision that it should be submitted to the vote of the people on the 2d of June, 1866, and providing also for the election of officers of the state.

The constitution prepared by the legislature, which adjourned in February, 1866, was to be submitted to the people in the early part of June, and both parties, republican and democratic, organized and nominated a full set of officers, so that if it carried, the state could be organized. The republican convention met at Plattsmouth, and nominated David Butler as governor, and Geo. B. Lake, O. P. Mason, and Lorenzo Crounse as supreme judges. Your humble servant was nominated for congress. We intended to make our application under the enabling act, which provided for the election of a congressman. I did not attend the convention, and instructed my friends not to put forward my name; yet as an exception to the general rule, my name was not only put forward, but I was nominated over all of the competitors, many of whom were on the ground and working hard for the nomination. This of course, is contrary to the ordinary run of affairs in politics, and I might wish that this had been a compliment solely to my ability and fitness for the office; but candor compels me to say that this was not wholly the case. Cass county, where I then resided, was almost a unit against the admission of Nebraska as a state, and had petitioned against it; those who were ambitious to be elected to the senate, and of course wished to have state carried, used their influence; and, probably more through their influence than any other—they believing it was necessary to get a large vote in Cass county in order to carry the state—my nomination, without my consent and against my will, was made. It had the desired

effect. Local county pride caused the people of Cass county to vote for state, which they would not have done otherwise, and it was the turning pivot that carried the vote for state. Yet, even then, the vote was so close that the democratic party claimed the question was beaten. It was claimed by them that in order to carry the state, the republicans threw out, in Cass county, what was then known as Rock Bluffs precinct.

The vote for state as returned and certified to the board of canvassers, which under the law was to canvass the vote, viz.: the acting governor, United States district attorney, and chief justice of the supreme court, showed that state had a majority of 100. There was a protest made against the counting of this vote, and in the legislature which by the act under which we framed our constitution was to meet on the 4th of July, 1866, were several contested cases; among them the senator from Cass county. The sitting member who was a republican was contested by a democrat, mainly on the ground of the throwing out of the Rock Bluff precinct, and on that of illegal votes polled by soldiers at Kearney.

While the canvass for state was not contested in any legitimate way, although I believe it was protested that the vote had not carried, when the legislature met on the 4th of July, 1866, the question of what the vote was, came up on contests for members both in the senate and in the house. The evidence had been taken as between the senators from Cass county. It was claimed by the contestants that the vote had been thrown out on a mere technicality, and that two of the judges had been sworn, and swore that the vote was all right. It was contended likewise that many soldiers had voted who ought not to have voted; but there was no evidence taken, such as is required by law, in reference to that. Rock Bluffs being thrown out, it would show a tie for the senator from Cass county. It was shown that this precinct, usually about even, sometimes going one way by a few votes, and

sometimes the other, had gone more than two to one democratic.

1st. There was no certificate to the returns, as required by law.

2nd. One of the judges, who lived out a mile or more from town, or from the polling place, took away the ballot box at dinner, and was gone with it more than an hour. The same thing happened at supper time. One of the clerks was with him. The man that thus took the ballot box was a person who had a very strong grievance against Abraham Lincoln's administration. He had been a slave holder in Missouri, but was forced to leave there with loss of slaves when the Union forces got possession, and this doubtless gave color to the belief that he was not the proper person to have the ballot box in custody by himself, or with a clerk that lived with him, or at least took his meals with him. It was claimed further that this man was not sworn in as judge at all, and he was there under no sanction, under no obligation as a judge. While the certification of the returns might have been and often was a mistake, overlooked by judges, yet the law required the ballot box to be kept in sight of electors all day, and the deliberate violation of the law by the man acting as judge that had thus carried the ballot box away, could not be counted as a mistake.

What made the strongest impression on my mind was the position taken by W. F. Chapin, who was afterward mayor of your city here, and figured largely in politics. He believed that the vote had been tampered with. He lived at Rock Bluffs, and knew the parties. I had no personal knowledge of the parties. Four months afterward he ran for the legislature, and challenged them. The whole contest was made in the county on the question almost entirely of whether the vote was rightfully thrown out or not, and he was elected by about 200 majority.

But that is a thing of the past. We do not wish to harrow up the political prejudices of a quarter of a century

gone by. We have come here tonight, both parties, ready to forget what then happened, except as a matter of history, and what I have said has not been intended for the purpose of reflecting in any way upon anyone; but simply as a part of the history of our admission.

The legislature elected in June met on the 4th of July and organized, and a bitter contest ensued. Those who were opposed to state determined if possible to have the legislature adjourn without electing senators, so that the state movement might prove abortive. In this contest the Hon. Samuel Maxwell, now chief justice of the state, and the late Wm. H. Chapman, and our townsman H. D. Hathaway, were the central figures, owing to the fact that the fight against state principally centered around the action of not counting the precinct of Rock Bluffs in Cass county. They were all then members of the legislature from Cass county. The Hon. C. H. Gere and many others deserve honorable mention in this contest. The legislature lasted ten days, and the members paid their own bills; but still they fought it through, organized as a legislature, and elected two United States senators, the Hon. Milton Thayer and T. W. Tipton. General Thayer at once taking our constitution, went on to Washington and had our bill introduced in congress. It passed both houses, but by a meager vote. In the house it barely got a majority. Blaine says of it, that it would not have passed at all if it had not been for the urgent effort made by Rice of Massachusetts. Congress adjourned shortly afterward, and the president pocketed the bill, and that ended it till the next session of congress, which was to meet December 4th, 1866.

Between the adjournment of congress in July, and the general election in the fall of the same year, there was what might be said to be a revolution in politics. Andrew Johnson, the then acting president, who was elected on the ticket with Abraham Lincoln as a republican, took direct issue with the republican party on the question of

the re-construction of the southern states which had engaged in the rebellion. Johnson started out in his inaugural address by saying that rebels must take back seats. In less than a year he invited them all to the front seats, and invited congress to take the back seats.

The issue was about this: These states which were to be re-constructed, had been organized for four years for the avowed purpose of overthrowing the general government of the United States, and were still officered and controlled by the men who had taken their oaths to destroy the government. The position of congress was that the state government, in order to be republican, in form under our constitution, should not only have boundaries, territory, and a written constitution, but it should have officers who had taken an oath to support the constitution and laws of the United States. It should be a friend of the general government, there for the purpose of supporting it, and not there for the purpose of destroying it. As the southern states had been organized and their officers had taken an oath to destroy the general government, they had lost their rights as governments, and it became the duty of congress to guarantee to each of them, before they regained their rights, a republican form of government. On this question the president took issue, and promulgated what was then known as "My Policy," that is, his policy—and took the broad position that, though a state government might be organized and officered by men ready to destroy the general government, it was the same as though it were run by men ready to uphold it. That the state had a right to disorganize itself and try to overthrow the government, and when whipped, would have a right to re-organize and determine its own rights. That is, the criminal and not the government had a right to determine its own rights and its punishment. That the Union meant a state at war with it, as well as one at peace upholding it. This was not American doc-

trine. The Union meant peace, not war. This comes nearer realizing that beautiful couplet:

"Two souls with but a single thought,
Two hearts that beat as one."

The hearts of the people of all the states should beat as one. On this issue we organized in this state, and the republicans organized all over the United States. At the election for congressman for the year 1866, the issue made by congress was endorsed by over 400,000 majority. This has become the American doctrine, and tonight the hearts of the people of forty-four states beat as one, and thus we realize our nation's motto, E Pluribus Unum—many in one.

From the great lakes on the north to the gulf on the south, from ocean to ocean, we are but one people.

The objection to the congressional party seemed to be mainly that they were endeavoring to concentrate unwarranted power in their hands. This was the charge of the president; hence he wanted to concentrate it into his hands instead of theirs, and so he made a policy of his own. Nasby, the wag of the day, stated the issue to be about this: Andy Johnson was "opposed to the concentrating of power in congress; but was in favor of having it diffused and given into the hands of one man."

The election in our territory came on in October, and those who were in favor of state organized and passed resolutions taking sides with congress. The democrats and office holders generally in the territory organizing and nominating men, took sides with the president. I was nominated for delegate to congress, and my opponent was none less than the Hon. J. Sterling Morton, who made it quite interesting for me. I tried to return the compliment. So you see that I ran twice for congress within four months. Our party carried the election by between 800 and 900 votes. This changed the status of our admission. We could no longer look to Johnson for any favors, and our only hope now was to get a two-thirds majority

so as to pass the bill over his veto, and for this purpose the two senators and myself went on to Washington in November, 1866. General Thayer was on hand, and through Ben Wade, had the bill introduced at the earliest opportunity in the senate.

When our constitution was adopted by a vote of the people in June, 1866, bear in mind that we were only a little over one year removed from the surrender of Lee, and only a little over one year removed from the grand march of our victorious armies through the streets of Washington. The congress that we were to ask to admit us into the Union was composed of the true and brave men who had stood around and upheld the hands of Lincoln and of the armies through the four years' desperate struggle. A congress composed of the heroes who had fought and won the world's greatest moral battle, not only the stopping of the further spread of slavery, but the emancipation of a race. Many of them had entered the struggle for freedom when the cause was so unpopular that one's life was in danger who dared espouse it. Through them and others it is written in the book of fate, that he is the true hero of a republic who espouses a great principle or truth when the same is unpopular, and standing unmoved, with the courage of his convictions, brings the people of the republic to the truth and to his own views. Lincoln lived until he was fifty without honor, as the world's honor goes. He espoused unpopular measures, though they were right; but finally brought the people of this country to his views, and he died the greatest of his age. He doubtless adopted the adage, "My country right or wrong; when wrong, make her right."

At this time the gravest question perhaps that ever was presented to the American statesman, confronted this congress. What to do with the disorganized and disrupted states which had lately been in rebellion. The war power had uprooted slavery and had crushed the greatest rebellion the world had ever known, and the

states which had tried to go out of the Union and act with the southern confederacy, were simply disorganized ruins; and how to rear upon these ruins republican forms of government, was one of the most perplexing questions that was ever presented to the statesman. At this period, only a little over a year from the time the southern confederacy went down, one thing seemed to be fixed, and that was, that as we were the conquerors of the world's greatest rebellion, we would show to that world that we were the most lenient to the conquered. The spirit of Lincoln, which said "With malice toward none, with charity for all," seemed to have done its work; and while a written constitution said the acts of four years were treason whose punishment was death, yet a generous and brave people unfurled the white flag of mercy and said, all we ask is, forget your enmity to, and act again as citizens of, this great republic.

The house had been elected at the same election that elected Abraham Lincoln as president for his second term. Great issues naturally bring to the front great men, and in those days they were found in congress. Hence in the senate there were Wade, Sumner, Wilson, Sherman, and scores of others scarcely less great; while in the house there were Blaine, Banks, Garfield, Schenk, Bingham, Delano, Kasson, and Wilson of Iowa, Voorhees, and Niblock of Indiana, Cullom of Illinois, Lawrence, Hayes, Boutwell, Allison of Iowa. It was in this immediate era in our history, and to this congress that we applied for admission.

It might be well for me to say something about the men in congress who aided us in passing the bill which admitted us as a state. In the senate the leading spirit in our cause was Ben Wade of Ohio. He was one of the trio who during the battles in the senate against the extension of slavery which preceded the war, entered into a written contract with Zach Chandler and Simon Cameron,

to the effect that if a southern senator challenged them to fight a duel, they would fight.

To those who have grown to manhood since the war, it is probably hard to realize either the cause or the necessity for such an agreement, which today would not only violate the law, but would be abhorred by all right-minded men, and it is but due in mentioning such an agreement, to allude to the great issue that in any way would give even an excuse for such a course. At that time more than one-third of the territory of the United States was unsettled, and the great question arose whether the virgin soil of this territory which was destined to be carved into innumerable states, should be settled by the hand of the free laborer, or whether it should be cursed by the tread of the slave. On one side the free state men devised as the one thing better fitted to make the territories the home of freemen, the homestead law, inviting the world to this vast territory and giving them there a home free. Against this, the slavery propaganda fought. They wanted to build up in the west what they had in the south—a landed gentry, with large plantations to be run by slave labor. Before this issue tariff, currency, all other issues were forgotten. The great party built up by Clay and Webster in the burning light of this issue withered and died as it were in a day, and public opinion crystallized on the two sides of the question, which was none other than this: Whether the labor of this vast territory lying and stretching thousands of miles west of the Missouri, should be chained to the level of slavery, or be lifted up and ennobled by the hands of the free. Nay, more, it was believed by the leading men of that day, that the issue meant, as expressed by Seward, that “this nation must either be all free or all slave.” No wonder our great poet wrote:

“Time has never dropped its sand
On mortal issues vast and grand
As ours today.”

It is hard to realize the extent of the high-wrought passions, or the deep-rooted prejudices, and the reckless acts which preceded the uprooting of slavery. In one half the Union, all south of that imaginary line known as Mason and Dixon's, free speech and free press were stricken down. The New York Tribune, Greeley's paper, in many places was considered an incendiary document. Slavery in the south had grown venerable with age, and was interwoven in her social fabric, and those who were for slavery in the halls of congress vaunted their code of honor, and that through it alone could satisfaction due from one gentleman to another be given for words spoken even in the senate. And Ben Wade as one of the trio, deemed it best in this matter to meet them on their own platform.

While it must be admitted that the real leader in the senate in this fight against the extension of slavery into free territories was William H. Seward, that he was the man who through his "irrepressible conflict" doctrine so clearly defined the battle field, and the plan on which the battle should be fought, and who with the voice of prophecy sounded the dread alternative, "This nation must be either all slave or all free," it was Ben Wade who best marshalled the forces and struck the hardest blows against slavery. Some of these blows and passages at arms with southern senators have passed into history. In 1859 he made the issue with them of "homes for the homeless as against niggers for the niggerless," and in reply to Butler of South Carolina, who said "I have a negro mammie that has almost raised me, and would my friend from Ohio prevent me from taking my negro mammie with me if I moved to a territory?" Wade's reply was, "You have a right to take your mammie with you wherever you go; but what we object to is that you should have the right to sell or whip your mammie."

When Toombs made his celebrated speech in which he said that northern senators indulged in abuse against southern senators, and then would shirk behind the privi-

lege of the senate, Wade immediately arose and asked him "Do you mean me, sir?" and the reply was, "I except the senator from Ohio." We who were from Ohio, such as your president of this evening, knew full well what Wade's question meant. It meant that he intended to carry out his plighted faith that he had made with Chandler and Cameron. It meant coffee and rifles for two. It meant more. He was a dead shot with a rifle, and it meant a dead southern senator. No wonder Toombs said "I except the gentleman from Ohio."

It was into this man's hands that we committed the bill which was to make us a state. He introduced it at the earliest moment. The opposition to our admission assumed two features. The democrats in the senate all opposed it, and Senator Sumner, as the leader of a portion of the republican party opposed our admission on the ground that our constitution had the word "white" in it. The impression that Sumner then made upon me was that he was an intellectual aristocrat, though our greatest plebeian in theory, and often in practice. He determined to bar the doors to our entrance into the Union with a constitution that had the word "white" in it, and manfully battled on that line; but finally voted for it when a fundamental condition was attached to it. Among the senators who opposed the passage of the bill, none probably was more prominent than Edgar Cowan. He was a republican who represented the views of the president, Andy Johnson. I had a letter from a student of his, to him, and spoke to him about supporting our bill. He said, "I know how to pass your bill, and that is for me to make a speech against it. I am an Andy Johnson man, and all the republicans will vote to do just what I don't want them to do. I will pass your bill for you."

The most serious objection, and the one urged with the greatest vehemence to our admission, was the number of population. The last census of the United States of 1860, showed that we had 28,000, and as there was a kind of

unwritten law of congress that we should have enough inhabitants to entitle us to a member of congress, this became one of the vital questions, and we had to do some figuring on it. Twenty-five years ago we knew how to figure on population as well as they do now. We had a United States census to begin with; then the gateways to Nebraska were ferries across the Missouri river, and we got figures on those who moved in across these ferries, and we had a kind of a census taken of our own in 1865. In this way we figured out a population of from 70,000 to 80,000. We took it for granted that the gateways to Nebraska were as President Harrison described the gates of Castle Garden, they swung inward but never swung outward. That men moved to Nebraska but did not move out; and if anyone happened by mistake, of course, to get over the line into Kansas or Colorado, it was not our fault.

On the 5th of December, Wade, of Ohio, asked and, by a unanimous consent, obtained leave to introduce into the senate a bill, No. 456, for the admission of the state of Nebraska into the Union, which was read twice by its title and referred to the committee on territories.

On the 10th of December, Wade, in the committee on territories, reported it back without amendment.

On the 14th of December, Mr. Wade moved to postpone all prior orders, and proceed to the consideration of the bill for the admission of the territory into the Union as a state. This provoked a long debate, covering some ten or twelve pages of the record, in which Wade, Sumner, Poland, Hendricks, Buckalew, Saulsbury, Grimes and others participated, and various objections were made to taking up the bill; one of which was that the Colorado bill which was working for admission at the same time should be first considered.

It came up again on December 17th, as unfinished business. At this session Hendricks opposed the bill bitterly. Among other considerations, on the fact that of the 7,776

people who voted upon the constitution, 3,838 voted against it, lacking but fifty of being one-half of the people who voted upon the subject. He made the point, however, that the population perhaps was not over 35,000. He claimed that the population could not be over 45,000, and that was only about one-half the number assumed by Mr. Wade, Mr. Wade claiming 98,000. Others spoke at the same time. On the 18th of December, Mr. Wade again moved "that the senate now proceed to the consideration of unfinished business." The president of the senate put forth the bill "An Act to Suppress Insurrection." Wade immediately arose and said, "That is not the bill that we supposed was in order as unfinished business," and moved to postpone the bill, and the motion was agreed to. The question then was on Senator Brown of Missouri's amendment to the effect that this act shall not take effect except upon the fundamental condition that within the state of Nebraska there shall be no denial of the elective franchise or any other rights to any person, persons, or race or color, and upon the further condition that the fundamental condition shall be submitted to the voters of the territory of Nebraska, at the next election held on the first Tuesday, etc., and they shall vote in favor of it. This proposition was debated at length. In this Wade and Cowan had a bout.

Cowan said: "I certainly understood the honorable senator to say that a state could commit treason."

Wade: "No, I did not use any such language."

Cowan: "Does the honorable senator say that it cannot?"

Wade: "It is perfectly evident to me that many gentlemen have found that states may commit treason, and sympathize with traitors; but the state itself being incorporeal, as Lord Coke says, having no soul,"—Mr. Cowan, "nor body,"—"can ever get to heaven, or commit treason or go the other way, that I know of."

I recollect another passage of arms between Cowan and Howe.

Howe said: "I hold it to be the duty of every citizen of the United States to die before he takes arms against his country."

Cowan: "I bow in humble submission before the superior courage, patriotism and magnanimity of the honorable senator from Wisconsin."

Howe: "If the senator will allow me, I wish to say that I impose the duty only upon those honest citizens of the Union, all of whom know where they are to go when they die; not upon those who do not know where they are to go."

Cowan: "Then the honorable senator has news from that undiscovered country, from whose bourne no traveler returns."

The bill passed the senate on the 9th of January, 1867.

On the 9th of January the bill was promptly reported to the house, and on the 10th, was taken up from the speaker's table. As passed by the senate it had this provision, "that this act shall take effect with the fundamental and perpetual condition that, within said state of Nebraska there shall be no abridgment or denial of the exercise of elective franchises, or any other right, to any person, persons, or race, or color, excepting Indians not taxed."

In the house those that were our particular friends were: First; Thad. Stevens, and as I now recollect him, a man that cared little for what other men so much seek for—popularity. He was bold and daring in his assertions. In the republican caucus, when he was urging the republican party to take a step forward and give the negro the ballot he was met by determined opposition, especially from the state of Ohio, where one of the congressmen stated that out of the twenty representatives, they were all opposed to it except one. Stevens immediately replied by saying, "Ohio has but one representative," and when the explanation came as to what he meant by that, it was, that Ohio

had one representative that was there to act for the nation, for the country, for a conviction of right. The other nineteen were there to re-elect themselves. According to Stevens' theory of a representative, since that time there have been a good many unrepresented districts in congress; although, when Tom Reed was speaker he counted them all the same.

Kasson, who represented the Iowa district that then adjoined us right across the Missouri river, had been in congress some time, and I had frequently crossed into Iowa and made speeches in his favor when he was running for congress, and on account of being a neighbor, and a friend, he doubtless took a great deal more interest in our admission than any other one. He was our friend, working hard for us. There was also our own General Cobb, then from Wisconsin. I think he had an eye, at that time, on the promised land. He intended to move here; at least he did, some three or four years afterward, move here. His labors counted largely in our favor; and it cannot be said of him that he left Wisconsin for Wisconsin's good; but rather that he came to Nebraska for her good, and has served her well since. I cannot mention all others. The house was an able one. Blaine, Garfield, Conklin, Schenk, Bingham, Delano, Allison, E. B. Washburn and a host of others. But perhaps the man whose influence was the greatest in our favor was Shellabarger, of Ohio. There were peculiar surrounding circumstances that gave him a standing in the house at that time which few others had. His notions of reconstruction seemed better to suit the republican party than those of anyone else. Blaine says of him that no position taken in his speech on reconstruction was ever shaken. At this session he made his celebrated report on the massacre at New Orleans, in which he vindicated Grant and Sheridan as against the mutilated dispatches, and the views made by the president. Greeley published him as the ablest member of the house. He evidently was the leader on

the difficult questions and problems of reconstruction. It so happened that he and I were from the same county in Ohio, and I knew him before I came west. I renewed the acquaintance, and I think this had its influence and stimulated his exertions in our behalf on the admission.

In the house, among the most active in the passage of our bill, was Boutwell, of Massachusetts, whose amendment to the bill was the turning point of its passage. He is known best perhaps, to the country as secretary of the treasury under Grant. He was the man who, at the suggestion of Grant, took the gold of this nation, went to Wall street, and met her gamblers, or, in the parlance of the sporting men, called her gamblers, went them one better on the greatest game of bluff ever attempted by desperate men; a plan devised to make millions out of the difference in the value of our currency and gold, which culminated in Black Friday. And by the bold move of the treasurer of the United States it was completely foiled. It was the last desperate effort to debauch the currency and credit of this great nation. For Nebraska we this night thank him for his efforts in our behalf, in bringing us into statehood; for the nation we extend thanks for the bold move that crushed at a single blow the plot against the integrity of our currency and the credit of our nation.

My work was principally in the house, and I became satisfied while listening to the debates in the senate, and especially after the vote, that in order to pass the house and to get a two-thirds vote in the senate, the bill would either have to have a clause referring back the fundamental condition which was to wipe out the word "white," to the people, or to the legislature; and in this the senators agreed with me, or at least General Thayer did; and after the bill had been up in the house once or twice, Boutwell offered his amendment, to have the fundamental condition sent back and ratified by the legislature. This seemed to be the quickest and the best mode. The

two men in the house who most antagonised this idea were Bingham and Delano. They denounced Boutwell's amendment as foolish and absurd, and said it would be a "vain thing." Shellabarger, in his argument against Bingham's objections to the proviso that it was doing a vain and absurd thing, said: "It is not a vain thing, because the moral sanction and effect of this proviso will have potency and force, not in the way of being a law, but in being vastly persuasive and influential in controlling the action of the territory that it admitted upon the terms contained in the proviso. It appears to me in the light of the past as well as the present, that the proviso becomes a matter of moral obligation on the part of these people to conform their legislation to the fundamental conditions upon which their members have taken their seats." He then referred to the example that happened before the admission of Missouri into the Union; the act of admission of the state on the 2d of March, 1821, where a similar proviso was put in, asking that if in the days of slavery a proviso could be attached which was supposed to favor slavery, why not now attach a similar proviso that favors freedom." General Banks followed in a strong argument on the same line. Boutwell, when he offered his amendment, declared that this was his ultimatum. He would vote for the bill if it passed, and would not if it did not. Wilson, of Iowa, took the same position, and said: "I will vote for this amendment, and if it should be adopted by the house, I will vote for the passage of this bill; but without the amendment I will not vote for the passage of the bill." The position of Wilson and Boutwell was, that if the moral effect of the fundamental condition was good upon the senators and representatives, and bound them in honor to stand by it, it would be much better to have also the plighted faith of the legislature of the state.

Among others, Garfield warmly supported Boutwell's amendment; but upon the other hand, Bingham and Delano, who afterward became secretary of the Interior,

under Grant, bitterly opposed it, declaring that they would not vote for the bill if it was carried. Delano denounced it as foolish and unwise, as did Bingham. They were both influential, leading men, among the best debaters in the house.

On the 15th of January, 1867, the bill came up for its final passage, with the fundamental condition attached which wiped out the word "white," to be approved by the legislature of Nebraska. The conflicting opinions on the bill might be summed up in this wise at this time:

1. There were persons there who opposed the passage of the bill under any circumstances, for the reason that the territory had not population enough.

2. There were men who opposed it on the ground that the word "white" was in the constitution, and would not vote for it unless the same condition which they supposed would get rid of that word, was adopted.

3. There were others who favored its passage just as it was, and would vote against it if Boutwell's amendment carried.

4. There were other men there who proposed to vote for it under any and all circumstances; and these men were such as Shellabarger, Kasson, Banks, and Cobb, of our own state, and they were trying to harmonize the conflicting elements, such as Boutwell and Wilson of Iowa, on one side, and Bingham and Delano on the other.

Boutwell's amendment seemed to bring to the front all there was of passion and of feeling, and no man of this age can realize the amount of prejudice, the deep-founded passions which surrounded the question of giving the negro equal rights with the white man. Hence this vital question is brought to the front. You must recollect that this probably was the ablest house of representatives that ever met in Washington, or at least as able as any. There were there, Blaine, Garfield, Hayes, Conklin, Schenk, Shellabarger, and some almost equally as great on the other side, Voorhees and Niblock; and when the

bill was up, giants were there to contend for their respective opinions. Boutwell advocated his amendment with impassioned tones. His clear sonorous voice ringing, gathered the attention of the house. Bingham and others replied with the same vehemence, and amid impassioned speech, curt enquiry, and pertinent question, and passages of arms between them, a parliamentary storm arose, such as could arise only in the house of representatives, and in its rush, our bill was tossed about like a chip, with every indication that the storm had the better of the chip. In the hurrah and contention, Bingham and Delano announced their determination to vote against the bill if Boutwell's amendment carried. This was opposition from an unexpected quarter, and it now looked to the three gentlemen from Nebraska that their frail bark would never successfully ride the waves of the storm. Shellabarger, Banks, Cobb, Cowan, and others quietly working among the members seemed to calm the storm, and Boutwell's amendment carried, and the bill finally passed by a vote of 103 for and 55 against, a good many leading republicans voting against it.

We note that in the senate the bill passed by a vote of twenty to fifteen, and in the house by 103 to fifty-five. In neither instance was the coveted two-thirds majority obtained. It was sent to the president, and in due time he vetoed it. In the senate, Howe, Grimes, and other leading republicans voted against it; but turned around and voted to pass it over the veto of Johnson. We had put in some missionary work after the bill had passed, and it passed both houses by a two-thirds majority. It was duly sent to Nebraska, the legislature convened, and the fundamental condition was adopted by it; it was sent back, and on the 1st day of March in the year of our Lord 1867, the president issued his proclamation and Nebraska became a state.

Another star is added to our flag, and Nebraska becomes the first-born of that higher, nobler civilization

which made our Declaration of Independence a practical truth, that proclaimed to the world, no matter what color God painted His child, he was still a man. A civilization that bade the master drop his whip arose; nay, more, one which swept away the auction block, where mother and child, though often "blue-eyed and fair, with Saxon blood," were sold as chattels; a civilization that lifted the slave of yesterday above his fetters, so that slave and master on the sacred soil of America were only equals. Each in his hand held freedom's guaranty, the ballot. A civilization that emblazoned on our coat of arms these words, "Equality Before the Law." Behold it. Other states have their mottoes; but none which in words so garners the history of the times in which they were admitted, or which has attached to it such a manifold vast and wonderful meaning as ours—"Equality Before the Law."

You will note that the bill which admitted us, refers to, and we were admitted under, the enabling act passed by congress on the 19th of February, 1864. That enabling act provided for the election of a congressman, and only one; so that when we were admitted, although Tafft had been elected to the Fortieth congress, really I was the only lawfully elected congressman, and my friends urged me, as there were only two days of the Thirty-ninth, not to be sworn in, but to remain out and be sworn in in the Fortieth congress. The senators were not sworn in in the Thirty-ninth, and they got a continuance of two years thereby. I might have stayed out of the Thirty-ninth, and likewise have had two years instead of two days. I was told so by my friends in the house; but I deemed it but right under the circumstances to go in and have myself sworn in for two days and out for two years. Many thought it a foolish act; yet I would do the same thing again. I ran twice for congress in one year, was elected both times, and served two days, and really two nights; but I never charged anything for that.

It has been told of Grant that after he read the memoirs

of General Sherman, he remarked that it appeared as if he did not have very much to do with the late rebellion. Whether he ever said so or not, the remark contains a moral to me tonight; so that if it should appear from what I have said, that I was the principal actor, as I am giving my memoirs in this matter, I will say, so that there may be no misunderstanding, that the admission of Nebraska was principally due to the senators, and not to myself; especially is that true of General Thayer. He had just come out of the army, with a good army record. The name General was worth a good deal to us in Washington. Doubtless largely through him, General Grant espoused our cause and used his influence for us. In fact General Thayer throughout the winter worked indefatigably and when the bill passed, came back to Nebraska and used his influence in getting the fundamental provision adopted by the legislature. We note a conversation between General Thayer and Sumner, which I attach to this paper. And in that respect Governor Saunders for the active part he took, deserves honorable mention. Tipton was also in Washington and worked for our admission.

Since our admission, thanks to the issue which I have already referred to as being made by Wade, "Homes for the homeless, as against niggers for the niggerless" was won; and the world was told that they might come to the empire west of the Missouri river and a home would be given to them. They came, and in 1890 we had a population of 1,058,910, and ever since that census was taken, the gates of Nebraska have swung inward and not outward; with the prospect of them still swinging in that delightful manner, so that another decade will give us as much beyond two millions as we are now beyond one million, and our star in the nation's firmament grows more effulgent as the years go by.

In the twenty-five years that have come and gone to us as a state, disaster came only once. He who holds the winds in His fists, gathered them red-hot from the burn-

ing sands of the south and the bad lands, and blew them upon our great corn crop, and in many parts of the state it withered to a crisp, and those who had raised only corn instead of other crops, found that a calamity unlooked for was upon them. To them mother earth had refused to support her child; although within this state this could not be said, for more than enough to support had been raised. Yet the same hand which made historic 1890, that shut the gates of heaven as it were against us, in 1891 opened them, and the most bountiful of all Nebraska crops came to bless her people, and the two crops of 1890 and 1891 would have averaged anywhere. The producer and toiler upon the soil of Nebraska were remunerated in 1891 as nowhere on earth was ever man remunerated. Some raised more than the worth of their farms, and realized it off a single crop; and the toilers and producers of Nebraska soil presented to the world for that year a balance sheet unparalleled in the history of states or of nations, and demonstrated again to the world that the best place for individual success, and the place which repays labor and the producer best is on American soil, and that there is no better spot on American soil than Nebraska. It demonstrated that those who are idle may fail; those who are industrious never. But not only in Nebraska, but throughout the entire Union was the last year which brought us to our anniversary, a good year. Among the great books which record the business of this nation and write alike her destiny and her history, a posted ledger shows a balance of \$143,000,000 in favor of the producer and toiler of America as against the world.

It has been said that all nations have their sacred memories; their anniversaries; their festivities. It has been said that on the heathered hills of Scotland, "The sword of Wallace was yet a bright tradition," not because it was a massive bulk, but because he used it for his country and a violated home. It has been said that by

the soft blue waters of Lake Lucerne, still stands the chapel of a Tell, forever sacred by the name it bears; for it was he who refused to bow to the cap of Gessler, and drew his bow and sent an arrow to the tyrant's heart. The battle field of Waterloo tells annually where ambition struggled and fell; and where its victims lay mouldering in the dust. And the fair land of the Belgian would have a history scarce worth reading, were it not that in her gay and graceful capital stands a monument full of meaning, reared to perpetuate forever the memory of Andreas Hoffer and his three hundred martyrs who died to save their country. England has her sacred spots. On the 4th of October, 1870, perhaps the sun in his course never looked down upon a people so unhappy as those of Paris. The victorious army of Germany was besieging her. The defeat of the French at Sedan had filled France almost with despair, and in Paris they were fast falling under the control of the worst elements which afterward organized the Commune, and reign of terror. On this day a balloon was seen ascending from Paris, and poising in mid-air far above Germany's victorious army. It bore aloft France's greatest statesman, Gambetta. In Paris, hampered by the spirit of the Commune, hemmed in by the victorious armies, his power for good was fettered; but he is now free—free to act for his beloved France. The wind bore him to the province of Loire, where he landed, and called around him a few chosen spirits like himself, unconquerable, who believed that it was only the empire that was conquered; France was yet unconquered. And while it is true that the surrender of Metz crushed out all hopes of victory against the Germans, yet it had no effect to crush in the least the spirit of Gambetta and his followers; they declared that it was only the empire that was conquered; and gathering in the true spirit of our own institutions, ignoring the brilliant achievements of their Napoleon, they reared upon the ruins of the empire that beautiful fabric, a republic, like our own. Who so blind as not to

know that from our own example the republic of France was born and still lives? Gambetta became her greatest statesman, because he gathered in the spirit which crossed the Atlantic from our own country, and permeated the feelings of France. We are indebted to France for a large portion of our territory. Out of it state after state has been carved, and among them Nebraska. Napoleon said when it was given to us, "I now give England a maritime rival which sooner or later will humble her pride;" but he little thought that America would repay the debt by giving back to France a republic.

Then shall it be said that while all other nations have their sacred spots, where memory and annual anniversaries keep alive the patriotism of the people, in our own land have we no mystic chords of memory stretching from battle field and sacred places? Has the rush and unseemly strife for wealth crushed out the patriotism of the people? Have the poisoned whispers of woe of the old world feebly repeated here made us hate our institutions? No, no. He who thinks it reasons only from the surface. As the people of the French republic recollect as something sacred, her tragic beginning, so the American mother teaches her child and tells the story of ours. How the brave Captain Pulling climbed to the belfry tower of the old North church of Boston in April, 1775, where he could overlook the movements of the British soldiers, and at the proper time hung in that tower the beacon light which started Paul Revere on that ride which fanned into a flame the smouldering embers of rebellion, whose victory seven years afterward gave to government its first written constitution. We must not forget that Bunker Hill monument would be but a shaft of granite, had not our fathers in the cradle of liberty, "Faneuil Hall" given it tongue to proclaim to the world that representation must go with taxation. The recollections that cling around England's sunniest spot, Runnymede, the brightest pages of her history belong to the world because it

gave the world Magna Charta; yet fonder to us than that, are the recollections of old Liberty Hall at Philadelphia with her cracked bell. It was that sacred spot that gave us our own "Declaration of Independence." It was the old bell that first rang out the glad tidings of its adoption; rang out liberty for the new world; and though cracked and broken it still rings freedom down the ages.

The gleam of Trenton's bayonets would have meant but human butchery, had not Washington's brave men realized the full import of that "declaration." It were but idle ceremony that French and American brigades vied with each other at Yôrktown, if the last echoes of her cannon had not proclaimed that British domination had ceased forever. Vickburg's struggle is ennobled by Lincoln's thought, that "the Mississippi river is forever to run unvexed to the sea."

At Gettysburg, above the monuments reared by loving hands to the brave that fought on either side, rises one not built of hands, yet strong in the memory of humanity, which chronicles the one thought, that in that great battle, the only one of the rebellion fought on free soil, those who fought for freedom as against those who fought for slavery, won. That he who strikes a blow for freedom strikes a surer, truer, deadlier blow than he who strikes for slavery.

The memories that cling around Appomattox are only those that ennoble. They remind the world that it was that spot where the conqueror gave to the conquered the most generous terms. It was there where Justice and Mercy met and joined hands and put their crown on Bravery. And though over our own Grant never bent king to give him knighthood, to say those magic words of old:

"Rise sir—, a soldier, by the honor-giving hand
Of Coeur-de-Lion knighted in the field,"
yet of all earth's knights, "plumed or unplumed,"
none so grand as "He who came from Appomattox." Of

all history's garnered treasures, she has no jewels costlier, brighter than those that cluster around that sacred spot. For it was there the seal that purports eternal verity was put upon a preserved Union, and upon the proclamation that emancipated a race. We live under a written constitution which forbids the granting of titles of nobility; yet no lord, earl, duke, or count of the old world in all his glory was ever arrayed like one of us, in the panoply of American citizenship. A citizen of this "lake, gulf, ocean-bound republic."

One word for the flag that contains our added star. It is the same that was borne by our fathers. The thirteen stripes are still there; though one might well imagine that the red bore a deeper hue; that the blood of the rebellion mingled with that of the revolution. I said the flag is the same, yet not the same; for when first given to the breeze by our fathers it contained only thirteen stars; when we entered the field of blue we entered as the thirty-seventh star, and now there are forty-four; and still this field of blue expands, and invites others, and star after star is still to be added. Still it is the same old flag.

"Flag of the free heart's only home,
By angel hands to valor given,
Thy stars have lit the welkin dome,
Thy hues were born in Heaven;
Forever float, that standard sheet,
Where breathes the foe, they fall before us
With freedom's soil beneath our feet,
And freedom's banner waving o'er us.

THAYER'S INTERVIEW WITH SUMNER.

A memorable interview between General Thayer and Chas. Sumner, the great Massachusetts senator, may be related as connected with the effort to secure the admission of Nebraska.

The strong opposition of Sumner to admission was anticipated, for the reason that the constitution conferred the elective franchise only upon white male citizens of the future state. General Thayer had never met Mr.

Sumner; but concluded to call upon him. Mr. Sumner received him pleasantly enough; but when General Thayer stated the object of his visit to Washington, Mr. Sumner was thrown almost into a rage, and exclaimed: "How can you expect me to vote to admit Nebraska into the Union and then endorse your constitution with the word "white" in it? I have been striving for years in behalf of equal rights for all the people, white or black, striving to give the right to vote to the colored race, and now Nebraska, a northern territory, comes to congress in a spirit of defiance. We have adopted the fourteenth amendment giving equal rights to all, and now you ask us virtually to annul it. The people of Nebraska are idiotic, idiotic sir, to propose such a thing." General Thayer uttered not a word till he had exhausted himself, and then said: "Mr. Senator, the people of the north have been passing through an educational process during the last twenty-five years; possibly we in the west may not have advanced as much as you of the east, but we, nevertheless, are getting there. I can recall the fact that when a boy I read about a howling mob chasing William Lloyd Garrison through the streets of your own Boston, with a rope in their hands with which to hang him because he had dared to denounce southern slavery as a crime, and he was only saved from the fury of that mob by the mayor and police, who hustled him into the jail. But the people of Boston have advanced; they would not repeat that barbarous deed again; so in the west we are making progress, and shall yet render the word "white" a nullity. Our motto is "Equality Before the Law."

In the late civil war I had two regiments of colored troops in my command, and I found them to be excellent soldiers; brave and heroic fighters. I led them on to the field in the battle of Jenkin's Ferry, and in less than thirty minutes they had captured one of the enemy's batteries. On another occasion the colored troops saved us from defeat. I was then educated up to a recognition

of the rights of this long despised race, and then and there I vowed in my heart that if I lived to return to Nebraska, I would advocate the giving of the elective franchise to the colored race, for the man who fought at my side for his country was worthy to vote by my side. I have kept my vow, and shall do my utmost to have the word "white" forever rendered a nullity in the constitution which was framed before my return from the war; I am as strongly imbued with anti-slavery views as yourself."

This little speech captured Sumner, and from that time on he favored admission, and became General Thayer's fast friend, and remained such until his death.

Judge M. L. Hayward, of Nebraska City, was introduced by Hon. J. W. Dawes, and gave the following address:

It is well that there are periods in the lives of men, and of states when, in the restless struggle of life, we pause for an hour and look back along the road we have travelled.

At such times when contemplating the achievements of the past, it is but just to review the efforts of those who have labored in our behalf.

Nebraska is too young for any just and complete review of her judiciary to be written. The men who formed and developed our courts are nearly all living, and too closely linked with the labors of the bar, to permit us fairly, and impartially to describe their work.

Criticism would incite the suggestion that we have doubtless felt the heavy hand of the law, while too much praise would recall the remark of Horace Walpole that lawyers should not write of public men, because the habits of their lives made them labor hard to defend a bad cause.

The character, integrity, usefulness and success of the judiciary, depend almost entirely upon the bar. This is so, not only because judges are chosen from, and largely by, lawyers, but because their labors are so connected,

their thoughts and lives have so much in common, that neither can succeed without the support of the other.

In looking back twenty-five years, if we find results in our courts that we would change, lawyers must in justice admit that they helped make the record. If we can look back upon a long line of strong, just decisions, delivered by able and upright expounders of the law, the credit belongs partly to the hard working men who have delved from the decisions of older courts, the principles upon which our judges have builded the firm foundations of our judicial system.

In our thirty-one volumes of reports are found the results of the life work of many able, honest, fearless men both upon the bench and at the bar.

Courts have been found necessary in all civilized lands. All men at all times and in all places, stand in need of justice, and of the interpreters and ministers of the law, which give life and motion unto justice. The profession of an advocate is as ancient as the magistracy and as necessary as justice. The profession has ever flourished most amidst free institutions and under popular governments. But in spite of the fact that the jealous tyranny of despotism would dread the searching investigation of facts, and the fearless comment upon them which it is the duty of the advocate to make, history justifies us in saying that even where arbitrary power exists, if the people are civilized and educated, the office of an advocate will be held in the highest esteem.

Barbarians, dreamers, and cranks would banish lawyers. Sir. Thomas More makes the absence of lawyers one of the attractions of his Utopia. Bellamy, in his "Looking Backward," pictures for us a people able to live in peace without the aid of a single lawyer. The ancient Egyptians forbade advocates to appear in their courts. The early Muscovites pleaded their own cases by bill and answer. The savages of Africa, and the American Indians dispense a rude justice without trained judges or

advocates. The Alliance of our day, not to be outdone by fanatics, or wild men of the desert, make it a rule that no lawyer shall join one of their organizations. They make an occasional exception, to this regulation, acting probably on the theory of the judge who kept a lawyer on a jury, saying, "he did not know enough law to hurt him for a juryman." Our state never having been controlled by savages or cranks, has been well supplied with hard working lawyers and faithful, competent judges.

In 1867, when the state courts were organized, they were not entirely without a guide, for as a territory Nebraska had been fortunate in the character and ability of her judiciary. Such men as Judges Ferguson, Hall, Kellogg, Little, Harden, Black, Wakely, Miller, Lockwood, Streeter and Dundy had ably done their work, and in many respects the law of the state is today as it was first laid down by these strong pioneers.

Our first system consisted of three judges, each one of whom held court in one of the three districts, while all sitting together, constituted our supreme court. In June, 1866, at the first election, William A. Little, (the only democrat ever elected to our supreme court) George B. Lake and Lorenzo Crounse were chosen. Mr. Little having died before entering upon his duties, Governor Butler, in June, 1867, appointed Oliver P. Mason to fill the vacancy, so the first court was held by Chief Justice Mason and associate Justices Lake and Crounse.

In 1872, Judge Crounse believing himself more of a politician than lawyer, secured an election to congress and was, in January, 1873, succeeded by Samuel Maxwell, the present chief justice who has given us nineteen years of faithful, efficient work, with which no ambitious dreams, or political hopes have interfered.

Judge Mason, in 1873, finding that he could not live upon so meagre a salary returned to the bar, and was succeeded by Daniel Gantt who held the position until his death in May, 1878, when he was succeeded by Amasa

Cobb, who after fourteen years of able and honorable service was in 1892, succeeded by A. M. Post.

Judge Lake, after devoting seventeen years to writing opinions that are seldom reversed or criticised, returned to the practice of law in 1884, and was succeeded by M. B. Reese, who in 1890 also passed from bench to bar, with the respect of lawyers and suitors. He was succeeded by T. L. Norval.

Elmer S. Dundy, although never judge of a state court, has been too important a factor in building up our judicial system to be entirely left out of the Nebraska judiciary. Coming to the territory before the war, he was appointed associate justice of the territorial court by Mr. Lincoln in 1863, and in 1868 was by Andrew Johnson appointed United States judge for the district of Nebraska. In his twenty-eight years of active service he has heard more cases than any other man who ever lived in Nebraska. His honorable record, his hard work, as well as his ability entitled him to a promotion, and the entire bar of the state would have felt an increased respect for President Harrison had he appointed him to the place made vacant when Justice Brewer went up to the supreme court.

The first term of the district court ever held in Nebraska was held by Judge Harden at Brownville in May, 1856, at which time Governor Furnas was foreman of the first grand jury.

The first term of the supreme court was held at Omaha, June 11th, 1867, the second at Nebraska City, August 10th, 1868. The first term held at Lincoln, the new capital, was July 6th, 1869.

The old system was simple and economical and for the few people then living in the state all they could afford. It was, however, far from perfect. The judges were underpaid at \$2,000 a year and were constantly overworked.

In the supreme court, two of the judges reviewed, and affirmed or reversed the decisions of the third. The trial judge usually held to his first ruling, and as few men can

submit gracefully to a reversal, unpleasant scenes sometimes occurred in the consultation room.

In 1875 with the adoption of the new constitution, the people feeling that the state had passed beyond childhood, created a separate supreme court of three judges, and divided the state into six districts, each having one judge; Judges Lake, Maxwell, and Gantt were retained as the higher court, and Judges Weaver, Pound, Savage, Post, Valentine, and Gaslin were elected to the new positions of district judges. The salary of each was fixed at \$2,500 a year.

It would not be just to dismiss the judges of the old court, without a word of tribute to the vast amount of labor they performed. With no railroads to furnish them free transportation they journeyed over their immense districts at their own expense, in lumbering stages, with team and buggy if able, and sometimes like the early circuit rider on horseback. Judge Gantt once crossed the Republican river on the back of a stalwart sheriff. Hotels were poor; few counties had court houses; clerks and sheriffs were usually green and awkward; the library of a county frequently consisted of Swan's forms and the Nebraska statutes, and without stenographers they were each compelled to perform the labors that now occupy a half-dozen trained men. Justice was sometimes summary and crude, but there were few complaints of the law's delay, and costs were only nominal. In 1868 Judge Mason left home one Sunday evening, drove eighty miles to Beatrice, held a term of court on Monday, at which, with the aid of a grand jury and trial jury, he sent two men to the penitentiary, and disposed of twenty-seven civil cases, reaching home again Tuesday noon. It was a common thing for any of those men to work twelve hours a day. [No court then opened at 10 o'clock in the morning.] Vigorous measures were sometimes adopted to secure justice. In one county the clerk of the court refused to give up his office to his successor, and secured an injunc-

tion to restrain his opponent from interfering with him or the office. Two rattle-headed young lawyers, tired of the slow chancery pace began a replevin suit before a justice of the peace, and one day when the clerk returned from dinner, he found his empty room awaiting him. Books, papers, records and seal had gone to the other man. •Old lawyers said "Fools rush in where wise men fear to tread;" those boys will ruin their client and go to jail for contempt. When Judge Lake dismissed the replevin case, leaving the plaintiff in possession of the office, assessing him one cent damages, and a fine of five cents for contempt, the older lawyers admitted that they had learned something from boys. In a suit upon the bond of a residuary legatee, plaintiff's counsel argued that no defense to such a bond could be made except to deny its execution. Defendant's attorney in answer said "That might be true if the principal defendant was residuary legatee." The court asked "Does not the will make him residuary legatee?" Like a flash came the answer "No, your honor, the will don't say anything about where he resides." The gentlemen of the bar who today give an order to the clerk and stenographer, to prepare a bill of exceptions, and in forty days receive it complete ready to be signed and filed, have but little idea of the trouble and labor of taking a case to the higher court in the old days. Instructions were then oral, the testimony was not reduced to writing, exceptions depended largely upon the fairness of opposing counsel, and the memory of the judge, both sometimes very uncertain, so that every jury case of any length and importance came up through great tribulation.

In the last year of the old court, the three judges, at a cost to the state of \$6,000, held all the courts for 250,000 people. In 1891 at a cost of \$125,700, thirty-one judges assisted by thirty-one stenographers dealt out justice to 1,100,000 citizens. In 1874 the judiciary cost each man, woman, and child two and one-half cents; in 1891 twelve and one-half cents. During the last year of the old court,

there were begun in the supreme and district courts 3,000 cases, all disposed of at a cost of \$6,000. In 1891 there were begun in one district 400 cases, and the courts of that district cost the state \$4,000. Another district had 1,002 cases, and cost the state \$12,000. A third district at a cost of \$28,000 ground out 2,700 cases. In his first year of service Judge Pound disposed of 1,032 cases. •

The constitution of 1875 provides that "the legislature may, in or after 1880, and not oftener than once in every four years, increase the number of judges of the district court, and the judicial districts of the state." As our courts have construed this provision, the number of districts, and of district judges, is virtually left with the legislature, and as that body is very pliable, we now have twenty-eight district judges, some of whom are not at work one-half the time, while the supreme court, which can only be enlarged by a vote of the people, is left with three men, hardy and courageous enough to struggle with a thousand cases at once. They are doing all that men can do, but the task is too great for mortals. This is a great wrong. The court being so overloaded, a case is often there for years waiting a decision, and litigants take advantage of the delay and carry cases to that court simply to gain time. It is quite possible that if the legislative body had been slower to add to the number of districts, and district judges, the people would have been more just to the higher court. Something should be done to relieve the supreme court. Lord Bacon long ago said, "My command is that I retrench all unnecessary delays, that the subject may find that he enjoys the same remedy against the fainting of the soul, and the consumption of the estate, which is speedy justice. That justice pass with as few charges as may be, and that these same brambles that grow about justice, of needless charge and expense, and all manner of exactions be rooted out. These commands are righteous, and sacred. The former answer was you must give me time. But I find the case was often for-

gotten a term or two, and then set down for a new hearing, three or four terms after. In the meantime, the pulse of the subject beats swift, though the chancery court be slow. Of such kinds of intermission I see no use, for fresh justice is sweetest. The scripture saith, 'There be they that turn justice into wormwood, and surely there be also they that turn it into vinegar, for injustice maketh it bitter, and delays make it sour.'" Evidently courts are today much as they were when that was written.

As the value of property, the lives and liberty of the people, and the welfare of the state depend largely upon the integrity and ability of the courts, too much care cannot be taken in their selection. If the tribunal is corrupt, the consciousness of that fact paralyzes the efforts of the advocate, and suitors dare not rely upon his assistance but have recourse to bribery to secure a favorable hearing. Hence the necessity of upright judges, who have no favorites, sell no decisions, know no friends or enemies, and who will not make the court room an annex to a political convention. At Athens, courts were held at night so that the judges not being known could not be bribed. For corruption, Cambyses flayed a judge alive, and hung his skin on the judgment seat as a warning to others. Fulke Greville paid 5,000 pounds for the office of chancellor and sold decisions to recover his money. Bacon plead guilty to twenty charges of corruption, and added, "I was the justest judge that ever sat in England." So all nations have found it necessary to guard against corruption in courts. Many men believe the purity of the bench is best preserved by having the judges appointed by the chief executive of the state. While the elective system is far from perfect, yet it is shown by history to be safer than the other. Macaulay said, "When the bench is under the direction of the cabinet, trials are conspiracies, and executions are murders." The judges holding their office at the pleasure of the King were scandalously obsequious, and were

appointed to secure the desired decision. We have recently seen the highest court of a sister state disgraced by placing among its honored members, a notorious scoundrel as a reward for crimes committed at the instance and request of the governor. The people would be slow to reward crime in that manner. If our theory of election by the people was always carried out, it would be nearly perfect, but unfortunately in many cases it is only a theory, and the candidates are often chosen by conventions, selected by caucuses composed of ward bummers and saloon strikers. So far we have been fortunate; our courts have been honorable and above suspicion, but we should take warning from the cities of New York, and Chicago, where the courts are too often a byword and a mockery. Streams do not rise above their sources, and candidates usually represent their constituents. So long as ignorance and vice are permitted to name the judges, the small boss will have undue influence, and if he be a lawyer he may at times receive from the estates of widows and orphans, monstrous fees for services past or promised. In Athens, for a judge to be seen in a tavern, was cause for removal from his position. If we allow the taverns to select the judges, can we expect them to shun the homes of their supporters? Unless we guard the purity and dignity of the courts we may in time become open to the criticism of Anacharsis who said, "In Greece wise men argue cases and fools decide them." We cannot take the election from the people, and should not do so, but we can and should at once, absolutely prohibit the judge from becoming a candidate for any other position so long as he is upon the bench. This would remove most of the temptations, and would practically take man and office out of politics. We should then be spared the humiliation of seeing a judicial office taken into a political convention to be bartered for a better paying position. Our supreme court should be made absolutely, and forever, independent of the legislature. No scoundrel who has a

seat in that body should be in a position to demand a re-hearing of a case as a condition of voting salaries, for clerks and assistants to the judges. This state is too great to permit such things to be possible. As an enlightened public opinion seems to be our best safeguard, these plain truths should be known and considered by all men.

Three hundred years ago a wise man, in apt words that may be fitly spoken today, described the ideal judge. He said:

1. The first is that you should draw your learning out of your books, not out of your brain.
2. That you should mix well the freedom of your opinion with the reverence of the opinion of your fellows.
3. That you should continue the studying of your books, and not spend upon the old stock.
4. That you should fear no man's face, and yet not turn stoutness into learning.
5. That you should be truly impartial and not so as men may see affectation through fine carriage.
6. That you should be a light to jurors to open their eyes, but not a guide to lead them by the nose.
7. That you affect not the opinion of pregnancy and expedition by an impatient and catching hearing of the counsellors at the bar.
8. That your speech be with gravity, as one of the sages of the law; and not talkative, nor with impertinent flying out to show learning.
9. That your hands, and the hands of your hands, I mean those about you, be clean and uncorrupt from gifts, from meddling in titles, and from serving of turns, be they of great ones or small ones.
10. That you contain the jurisdiction of the court within the ancient merestones, without removing the mark.
11. Lastly, that you carry such a hand over your ministers and clerks, as that they may rather be in awe of you, than presume upon you.

Six times we have been called upon to close our tem-

ples of justice, while we assisted in the last sad honors to our judges who have received the summons to appear before the highest tribunal. The first to go was the newly elected judge, Little. He had been a faithful servant of the territory, and had assisted in leading the people up to statehood, and, like Moses, was called away when in sight of the promised land. In 1878, Judge Gantt, an honest, able man, possessing many friends and no foes, worn out with long-continued labor, closed his books and retired to the lone couch of his everlasting sleep. In 1886, while addressing the reunion of Pioneer Lawmakers, at Des Moines, Judge Mitchell, without a moment's warning, dropped dead in the legislative hall. He was a true friend, a brave soldier, an upright judge. He should have been spared many years, but the privations and hardships of his army life, had worn away his strength, and he passed over to that great camp where sleep the majority of the nation's defenders. On the 18th of April, 1887, before we knew that he was ill, there came over the wires, the sad words, "Judge Weaver is dead." Weakened by hard work, he was unable to resist a sudden attack of pneumonia, and fell in his young manhood. In his old First district he had made more warm friends than any other living man. In court he was strong, vigorous and upright; in his private life, honest beyond suspicion. He was one of the men who believed that even political promises should not be made simply to be broken. His word was his bond. In 1890 the people of Douglas county and of the Third district lost in Judge Savage, a man great of heart, magnanimous, courtly, courageous. In his profession, he had by hard, honest labor, reached the top. His review of the first discovery of Nebraska shows that had he chosen, he could have taken high rank as a writer and historian. In August, 1891, we gathered around the tomb of the first chief justice. To Nebraska, O. P. Mason gave the earnest labors of a lifetime. In the history of territory and state, there has been no great event in which he

had no part. In south-eastern Nebraska his stern, swift justice repressed a system of crime, and compelled obedience to the laws. At the bar, in the legislature and upon the bench, he was always the fearless defender of the people's rights. In his courts there were no favorites, and he gave no thought to the political effect of his decisions. To the able experienced lawyer he could be harsh and stern, but to the boy before him with his first case, he was kind as a father, and gentle as a woman. "To live in hearts we leave is not to die."

For them there are no more cases to try, their last term has adjourned without day. For us, there is the noble record of their well spent lives. Their once busy existence, various sensations, fiery trials, dear bought triumphs, all the pulses of joy and anguish and hope and fear and love and praise are with the years beyond the flood. Let us hope that they who gather at the golden anniversary of our great state may be able as we are, to look back upon the list of fallen with a knowledge that their lives and records were clean and honest and well worthy of emulation.

The program was varied in order to afford the audience the pleasure of hearing the May Festival chorus. The hallelujah chorus from the "Messiah" was rendered with an effect never exceeded.

Judge Norris, of Ponca, delivered a short address on "Nebraska as a State:"

MR. CHAIRMAN; LADIES AND GENTLEMEN: I rise to address you on the great theme that has been assigned to me, "Nebraska as a State." In any other age, and in any country but our own, the subject "The State of Nebraska" would not be presented to this audience. It would be "Nebraska as a Nation." For, when we consider this commonwealth, its vast resources, its great increase in population, its present prosperity and future prospects, it would stand forth a giant, a young giant, among the nations of the earth.

We meet to celebrate the silver anniversary of the state of Nebraska; the twenty-fifth birthday of this commonwealth. In the history of nations we measure their age by centuries—the lives of individuals are measured by years. And today this state, nationally speaking, is twenty-five years old, or we might say one-fourth of a national year. There is something almost ludicrous in the idea of celebrating the twenty-fifth birthday of a state when we consider the gradual development of the nations of the past; the men and the women that meet at this celebration are nearly all of them adopted citizens of the commonwealth. The state is not old enough to have sons and daughters of its own. We meet from the Empire state, the old Bay state, the old Dominion, the Buckeye state, the Prairie state, the Hawkeye state; from the north and south and east, we meet to celebrate the silver anniversary of our own state of Nebraska. We ever will glance at the map of our state, either by itself or in connection with the great republic, and will see in the glance that Nebraska is eminently an agricultural state. The eastern portion is a land of rivers and valleys, the western is a land of vast plains. These rivers and valleys, we all know, are possessed of the utmost fertility. Nebraska is said to have 10,000 valleys. The very word valley is synonymous with fertility and wealth. Valleys were the seats of ancient empires. There are the valley of the Tiber, the valleys of the Nile and of the Euphrates, but where are there more fertile valleys and a grander basis for an empire than among the hills and valleys of eastern Nebraska? You may stand anywhere, anywhere especially in the north-eastern section of the state, (I am not so well acquainted with the other portions) anywhere upon the Missouri, and looking over the hills and the valleys and the beautiful river, behold one of the finest landscapes of the whole country. Whitman says it seems as though the Almighty had dropped his handkerchief and marked it so that man may know it; as though the smile of the deity

had fallen upon the landscape of our beautiful state and crystallized there.

The western plains are equally fertile with the eastern valleys, but owing to the want of moisture have not yet produced equally valuable harvests. There is doubtless considerable truth in the old geography that located Nebraska as part of the great American desert. Early in the century buffalo grass extended almost to the western bank of the Missouri. Today buffalo grass is not found within 200 or 300 miles of the Missouri river. As you know this grass grows upon sterile land where there is a lack of moisture. It is undoubtedly a fact that the rain line, or the line of moisture, moves westward with advancing civilization. There is something peculiar in the grand cycles that sweep over the earth and humanity. It sometimes seems as though nature was the handmaiden of man in these great changes. Today the buffalo grass, the buffalo that fed upon it, and the Indian that fed upon the buffalo, are passing away. And the white men, and the white men's cattle, and institutions of civilization follow right along after the retreating wild man and the beast and the grass that fed the beast upon which he lived.

Now as we look over the state, over the plains of the west, the well watered valleys of the east, we see that Nebraska is eminently adapted for homes. Nebraska is the great home-state of the Union. As has been said this evening, the home is the unit of the nation. And the wisest legislation is that which builds up prosperous and happy homes and the greatest dignity to which any state can attain is to be a state of prosperous and happy homes. Those laws that make the fires burn brighter, those laws that make clothing more abundant, that legislation which develops to the utmost the wealth of the state and by fair and equal laws distributes it among the people who produce it, will build up the greatest commonwealth of this nation. The coat of arms of Nebraska is suggestive of the liberal spirit of the commonwealth. In front

stands the blacksmith at the anvil, behind, the shocks of wheat, farther in the rear a long train of cars. There are labor, agriculture and transportation. And over them all are the words "Equality Before the Law." As time runs on and when the diamond celebration of Nebraska shall come to pass, the 1,100,000 people that now live here, may be as many families; may they be happy, prosperous and christian families, each living under its own vine and fig tree, under the equal protection of the laws.

There is one thing said to be lacking in our state resources, and that is timber. From my county of Dixon, at the Sioux City Corn Palace, last fall, there were on exhibition thirty distinct species of forest trees. Everywhere that cultivated land appears; everywhere that the corn field and the wheat field spring up; alongside the cultivated farm appears the growth of forest trees. More than that, our people are so devoted to tree planting that there is one day in the 365 that has become a state holiday and is devoted to this beautiful purpose. This holiday has been given by the state of Nebraska to the whole nation. Eminent in social and political life as is the author of that holiday, his chief claim to the consideration of posterity will be that he was the originator and author of Arbor Day.

Nebraska is not only a farming state, a manufacturing state, and a state of homes, but our state has a peculiarly favorable location. Nebraska is the central state of the Union. Detach the jagged lands of Florida and Texas, straighten out the Atlantic and Pacific coasts, make the United States a compact nation, then one citizen traveling from the forests of Maine down to lower California, another citizen starting from the everglades of Florida to Puget Sound, their lines of travel would intersect somewhere in the state of Nebraska, and perhaps not very far from the capital city. Nebraska is the central state of the great republic. It is the Keystone state of America. Pennsylvania is called the "Keystone state." In colonial

times she was, but today the Keystone state of the nation is our own state of Nebraska.

There is, fellow citizens, something grand and sublime in the union of the states. It may be compared to a great arch, one buttress resting upon the Alleghany mountains, based upon the iron and coal and the commerce of the Atlantic, the other buttress resting upon the Rocky mountains with their deposits of silver and gold. This great arch, springs from these mountain ridges; it rises and rises until it spans the whole continent and the Keystone state, the top state—that which binds the arch together—is the state of Nebraska. There is something peculiarly striking in this, and it is indeed appropriate that the grand foundations of the Union, one of them should be based upon the commerce and manufacture and mining of the Atlantic and the other based upon the mining, the manufacture and the commerce of the Pacific coast, the grand dome being the great predominant interest of agriculture represented by what we as Nebraskans claim will be the great agricultural state of the future—the commonwealth to which we belong.

Nebraska is not only a state of homes; it is not only a great agricultural state, but accompanying this it is a manufacturing state. It has not only a central location, but Nebraska appears nowhere more strikingly to show her progress, her great advancement, her wonderful growth than in the cities and villages of the commonwealth. Where can the liberal spirit of the age be better manifested, where is it more clearly shown than in this capital city of Lincoln; this city of churches; this city of homes; this city of schools; this city of the mighty and influential press; this city of liberal advancement? And citizens of Lincoln how could you better indicate the character of your city than by giving it the immortal name which it bears? There is no name known among men the pronounciation of which will so carry enthusiasm and awaken love in the hearts of the people as the name of

the great emancipator; his sterling qualities of heart and mind; his keen sense of truth and justice have made him for all ages the grand typical American character. And if the spirit of that great man—if it tonight—could pass over the length and breadth of the land—if it could look down upon the cities and villages of the great republic—where is there a town that he would sooner choose for his habitation, to put his name there, than in the capital city of our state?

There are two great names in American history. Two names that have risen above all others; two names that all Americans delight to honor. One of them is "The Father of His Country," and the other "The Great Emancipator." The first has given his name to the capital city of the republic—it has been given to one of the infant states upon the Pacific coast—it rises, symbolized by that monument which towers above his grave, the most lofty work ever erected by human hands. You have honored yourselves by giving the other immortal name to your capital. These names are together in history. These are the great names paramount, predominant in the two crises through which the nation has passed. Washington and Lincoln are together in history; together in their lives; together in their deaths.

In coming time when the population of this republic is full, if they should ever change the capital of the republic and locate it anew, and the conditions of that location were that it should be in the center of refinement and population, the cities of Lincoln and Washington might spring up nearly on the same ground.

We meet here today at the end of twenty-five years to celebrate the birthday of the state. Do you realize that we have within our borders a metropolis that is larger than can be claimed by two-thirds of the states of the nation? We have a city in the infant state of Nebraska that is larger than any city in New England, outside of one single state. We have a city more populous than any

in the great states of Iowa, Tennessee, and Indiana, or any of the Atlantic states south of New Jersey, or any of the gulf states, with the single exception of Louisiana. We meet today on our twenty-fifth birthday with a population of over eleven hundred thousand souls. The old Bay state of Massachusetts when the battle of Lexington was fought was a hundred and fifty years old and had but two hundred and fifty thousand population. Nebraska today at the end of twenty-five years has a population of eleven hundred thousand. The United States at the time of the adoption of the constitution had a population of a little less than four millions. Considering this we can truly say what hath God wrought? Like Jonah's gourd our cities and commonwealth have sprung up in a night, but unlike Jonah's gourd they will not pass away in a night. We have a fertile soil. We have an invigorating climate. We have a favorable location. We have great flourishing cities and villages. Now what more do we need to become a grand people? What is it that constitutes a state? Is it soil? Is it climate? Is it location? The true grandeur of a state is the men and women of that state. You may take a barren rock or a sandy desert and put upon it energetic, intelligent, educated earnest men and women and the rock will blossom like a garden—the desert will flourish like a rose. You may take the finest soil in the world and you may place upon it a degenerate, depraved, vicious and ignorant set of men and women and they will reduce it to a wilderness. Have we men and women capable of utilizing the bounties that Providence has given? Why our schools, our churches, our press, our fire-sides, all prove that we have the grand qualification of a commonwealth—an educated people. More than that; statistics show it. With the exception of Iowa, and I doubt if Iowa should be excepted, the state of Nebraska has a less number of men and women, boys and girls, who are unable to read and write than any other state in the

Union. Our population is composed of young men, but they are not of a merely restless spirit. They are not seeking change for the sake of change. They have come from the east and built up a home in the west. They have energy and enthusiasm and youth. And that enthusiasm is moulded and guided by a liberal education. It is educated energy and with such men and with such women what the future will be no man can predict. We are a heterogeneous people. The American people is yet to be born. We are composed of the better elements of the eastern states. Within our borders are the English, the German, the Celtic, and the Scandinavian races. Now these are the grandest nations of Europe. These nations are the strongest nations under the sun. These elements properly welded together will produce the grandest people that any nation has ever beheld. The English race is noted for courage, the German for profundity, the Irish for wit and brilliancy, the Scandinavian for constancy. Now when our heterogeneous race becomes one; when we become distinctively American; if the schools, if the churches, if the press perform their duty; the lower elements will be erased, the higher developed; and the future Americans will combine the grandest traits of the greatest races of the old world—the coming race of humanity—a race with Anglo Saxon courage, German profundity, Irish brilliancy, and Scandinavian constancy. An empire will rise such as the world has never seen.

Westward the star of empire takes its way,
The first four acts are past,
The fifth will close the drama with the day;
Time's noblest offspring is the last.

Where is there a better theatre and where more competent actors than on these plains and in these valleys of our own Nebraska? The first four acts are past. The curtain has fallen upon the old Egyptian civilization, the Medo-Persian the Grecian and Roman, the Assyrian civil-

izations. The next civilization, if we are true to ourselves, will be that of time's noblest offspring, the future American race. A race with more than Egyptian wisdom, with more than Athenian skill, with more than Spartan courage and more than Roman power—the coming race, the grand race that will finally fill the earth when the curtain rises upon the fifth scene in the great drama of nations.

We meet today to celebrate the silver anniversary of our adopted state. May that silver cord never be loosed; may it continue in unabated strength until twenty-five years hence this state is held to its sister states by a cord of pure gold. And time will roll on and the years will follow their course until the first day of March, 1942, will dawn upon this earth, and upon this capital city, where our children will meet to celebrate the diamond anniversary of the state of Nebraska. On that great day, we know not what sights may greet their vision; we know not what entrancing sounds may break upon their ears; where we meet by tens they will gather by hundreds; they will come from all along the Platte, from the Elk Horn, from the Blue, from the Republican and the Nemaha—they will come from the valleys of the east and the bright plains of the west—they will come representing a million of families. But we trust that they will come as true sons and daughters of Nebraska. May they come with honest hearts; may they come with true minds; may they come with a spirit fired with patriotism; may the end they aim at be their country's, their God's and truth's. Our eyes will not behold nor our ears hear the things of that great day, but we trust that our sons and our daughters and the generations after them will do their part to make the state of Nebraska first and foremost among the states of the Union. May it then as now be a state, not a province, not an independent nation, but occupy that grandest position which any commonwealth can fill, a member of the sisterhood of the states that constitute the great

republic. And in that diamond anniversary among the fifty stars that then shine upon the great flag of the republic, may the brightest among them be the star of the state of Nebraska. In regard to those higher elements of manhood and statehood—in regard to education, to the press, to the church, to all that which makes man higher and greater and better—may the star of Nebraska be the bright and morning star of the American firmament.

MEETING OF NATIVE NEBRASKANS AT REPRESENTATIVE HALL.

The board of public lands and buildings undertook a large contract when they started to decorate the capitol building, but they succeeded admirably. Long streamers of bunting ran from the dome to the four wings, and flags were disposed to good advantage over the roof and at the windows. Over the north entrance the word "Nebraska" was formed in incandescent globes.

In representative hall, bunting was used profusely on the gallery front and in streamers that crossed the room diagonally. Flags were crossed over the windows, draped over and behind the speaker's desk and circled around the chandelier. "Sons and Daughters" in large letters formed in sunflowers adorned the front wall. Flowers were used on the secretary's desk. A banner, "Bug Eaters," with a sample of the bug, which was a grasshopper, hung from the chandelier.

There was bright prophecy for Nebraska in the faces of the young men and women who gathered in representative hall at 8 o'clock. It was the first crop of Nebraska

humanity, and showed that as a home for man as well as for corn and hogs, Nebraska is a great success. There were energy and vigor, brains and virtue shown in the young native Nebraskans. Although the sons of Nebraska started the movement which resulted in the meeting last night, the daughters came near packing the meeting. They could outvote the sons. The young people wore badges with "Bug Eater" in bold, black letters. A number also wore the sunflower badge. About 500 natives of Nebraska were present, and in the gallery were a number of older people as spectators.

Professor Taylor, of the state university, and the chairman and orator, G. M. Hitchcock, went upon the platform about 8:30 and were given a round of applause. Professor Taylor said he supposed that this was a meeting of bug-eaters, for bug-eaters, and by bug-eaters, that all but bug-eaters had been excluded unless they had been fortunate enough to marry a bug-eater.

Roscoe Pound welcomed the sons and daughters, as follows:

SONS AND DAUGHTERS OF NEBRASKA: There should be little need of formally welcoming you to this hall. In this building, the home of the state of Nebraska, her sons and daughters are at home now. This hall built by the people of the state, and foremost among them by your fathers, the founders of the commonwealth, speaks its own welcome. Lincoln, herself a daughter of Nebraska—for the city was founded by the state, to be the seat of its government—welcomes you, her brothers and sisters.

You are gathered on an auspicious occasion, the anniversary of the birth of a state, to testify your loyalty to what is indeed your native land. This anniversary and its celebration, belong peculiarly to you of all citizens of Nebraska. Some of you are older than the state and perhaps have helped in some measure in its development. All of you have witnessed its growth from a rude and struggling community to that enlightened and prosperous

commonwealth of which today we are proud to call ourselves the sons and daughters. And you have been a great part of that growth.

The state itself, must soon be in your hands. Your fathers, the builders of the state, will leave it, their most valued gift, to you. The pioneers of a land are the stock from which its rulers, its nobility, are descended. To what is it that the noble or patrician points as the source of hereditary pride, if not to his ancestors the pioneers of the state? Not to depart from our own country, New York is an excellent example. The Dutch colonists who first settled New York, however much without honor in their native land, are the ancestors of the most powerful and respected citizens of a great state. When I call you the Four Hundred of Nebraska, I do not mean to impute to you that arrogant, yet servile imitation of a foreign institution, for which one Four Hundred is notorious, but to remind you that you may justly be proud that you spring from the oldest families—literally from the first families—of Nebraska. This is a source of pride to you, yet it carries with it a responsibility, for it is you who must see to it that the work of your fathers was not in vain, who must see to it that the commonwealth they have founded and brought to a glorious maturity, in your hands advance in like manner and be worthy of its founders.

If somewhat novel, your gathering is most fitting on this occasion. Recognizing your duty to the state, testifying your pride in it and your loyalty to it, you have come together upon the anniversary of its birth to celebrate that anniversary by associating yourselves as its children. You soon will be the state—it might almost be said that you are the state—and, as one of you, I think I well feel authorized to welcome you, sons and daughters of Nebraska, in its name.

Professor Taylor then said that when the meeting of native-born Nebraskans was first thought of it was deemed

fitting that the orator should come from the first organization of the kind—the sons of Omaha. As their representative, he introduced the orator of the evening, G. M. Hitchcock, editor of the Omaha World-Herald.

He spoke as follows:

Ladies and Gentlemen: Home is one of the sweetest words in our language. Around it readily cluster the dearest memories and most tender feelings. To the civilized man his home is above all other spots on earth. It is this which has raised in him his best and mightiest influence. For his home, which is always to include his family, the meanest man will nobly die; to his home the thoughts of a man always turn during the best and most tragic moments of his life. Over in the Alpine ranges of the old world the man cultivates the soil in the pleasant valleys of Switzerland. The Irishman weeps out a miserable existence in the beautiful Emerald Isle. The Scotchman in his highlands and in his lowlands, the Frenchman in the pleasant fields of France, and the Italian under the sunny skies of Italy, all naturally revere that one spot of earth called home. We, however, the sons and daughters of Nebraska, have an unusual and an extraordinary reason for the closest attachment to our homes. Nature and fortune have combined to heap upon us such extraordinary blessings that the eyes of the whole world are turned upon us as the only spot on earth pre-eminently destined to be the homes of a great, happy, and prosperous people. To us has been given the broad state of Nebraska with its wonderful nature for an heritage; to us has been given as a birthday present what the tens of thousands of immigrants looked forward to, as only to be gained by great sacrifices and heroic effort. If there is any people to whom pride of birth and pride of ancestry rightfully belong, it is to us. Our forefathers came to this region when all the wise men of the world had labelled it the Great American Desert. They turned their faces steadfastly from the comforts and luxuries of

their eastern homes, across the Missouri river and began on the western shores the great work of civilization. To me next to the creation of the world the most sublime spectacle upon which we can rest our eyes, is the miraculous subjugation of this great region by the hand of man for the purposes of civilization. Since the time when many of us were born, one million souls, a nation, invaded and built an empire, filled with fine homes, in this region. The wilderness has been transformed as if by magic wand. The ranges with the buffalo, and the camps with the Indians, have been brushed away like the fogs and dews of the night before the approaching and rising sun of progress. Our great fields, our broad plains, our rolling prairies, our thousands and tens of thousands and millions of acres have been covered with fertile farms. Ironed by great railroads, dotted by peaceful villages, with here and there a growing city in which the population bids for a mighty commerce annually, mark the industry of man. I say it is a sublime spectacle, this creation of society, this building of homes, this erection of cities, the provision of a perfectly free system of education for the people. Every hill top has been given us to love, every cross road marked by a church. Man the most nearly imitates the creator in this stupendous work called, strictly, social government. To our fathers who made broad and deep the foundation of the beautiful superstructure now rising as the state of Nebraska before the eyes of the world we owe a debt of gratitude which we can never repay. God spread the raw materials here to their hands; they seized upon it and Nebraska was made by them and left to us. We know little of the sacrifices they made, the hardships they endured, the work they tirelessly performed; and with the privilege of being their heirs there comes, I believe, a responsibility to be their worthy imitators. We were not born to loll in the lap of luxury; we were not born to rest. There is inspiration for the thought that when in the midst of action—glorious

action, creative action,—around us the best and noblest works of man are rising and each of us may, if we will, be an actor and perform and improve part of this work. No man in the old world or in the settled regions has privileges like this, born and reared up to manhood amid a scene never changing from birth to death. It would be little wonder indeed if the inhabitants of the older world should lack the inspiration which the western man or the western woman has for ambition and achievements. Can you imagine the quiet, placid restfulness, and idleness of an European village? Can you imagine a man looking back over twenty-five years of his life and indulging in the reflection, that nothing has changed, nothing has grown, nothing has progressed from the time that he was first rocked in the cradle there until he reached his mature years? You may pass through regions of a settled world and find everything just the same as it was a half a century ago. Nay, you may look back a century and see no change or improvements since that time. What is life in such a land compared with the privilege of living in Nebraska where we see great cities coming to perfection; where we see men earnestly engaged in solving the great problems of society, of government, of improvement. Why, here where we stand tonight was once farm land; nay, was prairie land within the memory or at least within the life time of some persons now in this room. Such a thought is stupendous. Around us now we see all the evidences of a perfected civilization, a city great in size and as great in population as some of the cities of the old world which have a place in history, a city already possessing buildings, finer schools, better public works, more perfected homes, more refined society, more advanced ideas than many of the century old cities of the east and all this has been accomplished as in a twinkling of an eye, in the passing of a day.

I say we sons and daughters of this state have inspiration in the thought that our lot has been cast in such a

light, under such skies, with the smiles of fortune upon our face from the time that we were rocked in our cradles. We look at our eastern gates and see them constantly open to the incoming population anxious to share with us the blessings which are ours. They come to better not only their own condition but ours. The crusade of the modern day is not to the sacred tomb in Palestine; it is not marked by any course across the continent; the crusades of the nineteenth century are bent toward the great region in which we live—which we call home. They are the crusades which are slowly transforming the face of the civilized world; they are the crusades which are working out the perfection of civilization and christianity and elevation; they are the crusades which have our homes for their objects.

When introduced this evening by your presiding officer, it was said that the Omaha organization, known as the Sons of Omaha, is the oldest of its kind in the state, and perhaps the only one of its kind in the nation. I hope Lincoln will be prompt to carry out the idea which we have found so good in Omaha. I hope Nebraska, all over the state, and every city in the state, will organize with the idea of joining together, in closer bonds of union, the native citizens in each community. Patriotism, like charity, begins at home. Love your family, love your neighbor, cultivate fraternal relations with all who are bound with you in natural ties in the community, extend your associations to the state, let the sons and daughters of Nebraska stand shoulder to shoulder and work out the great destinies of this people. Let us carry on the work which our forefathers begun, let us strive as sons and daughters of Nebraska to perfect the laws of the commonwealth and make them just to all; let us strive to elevate the morals of the state and make them commensurate with our blessings; let us endeavor to perfect the educational system of Nebraska so generously endowed and so wisely provided for by the early settlers; let us,

in short, erect in this young state an ideal commonwealth.

We love thee, fair Nebraska; we love thee for thy rolling prairies, thy fair skies; love thee for thy waving fields of golden grain and for the lowing herds upon a thousand hills; love thee, from the great Missouri that everlastingly washes the eastern shores, to the far western wind-swept plains that mark thy limits towards the Rockies. We love thee because thou wert first born among the new states dedicated to human liberty. Thou art young and strong and beautiful; thou art our mother and we love thee.

After Hitchcock's address, Professor Taylor said that as few realized what was being done in an educational way, it had been thought best to call upon some of the young Nebraskans of Lincoln colleges to speak. In the state university, 113 native Nebraskans had enrolled in two days.

E. M. Pollard, of Nehawka, was the first speaker, representing the state university, and he drew a contrast between the days of olden time and those of today. He closed with a reference to the city of Lincoln as a monument to our martyred president, and was warmly applauded.

A song by the Aeolian quartette was charmingly rendered, and an encore was demanded and given.

Professor Taylor had been reminded of a story by Mr. Pollard's reference to the Weeping Water, and he told of President Lincoln's translation of that name into Indian—Minneboohoo, a counterpart to Minnehaha.

H. R. Estabrook spoke for the Wesleyan university, in a manly, natural speech. He made a strong plea for patriotic interest in the affairs of the nation by American-born citizens. With the American flag as an emblem and love of what that flag represents as a sentiment, this country would be what it should be. He provoked considerable enthusiasm.

Professor Taylor, after a story at his own expense, said it was the daughters' turn then and introduced Miss

Myrtle Stevenson, who gracefully recited a poem entitled "The Great Salt Basin," a pretty Indian legend. .

Professor Taylor then spoke of the intent of those who called the meeting to form an organization which should see to preserving the history of the first families who came to Nebraska, and their children. Such a record would be priceless to future generations, and though this generation could now easily compile such a history, in a few years it would be impossible. He proposed that such an organization be formed on the spot, and Mr. Pound moved that a committee be appointed for the purpose. An expression of opinion was asked. All seemed favorable, and the motion carried. Professor Taylor appointed Messrs. Patrick, Pound, Estabrook, Keys and Mercer.

Mr. Patrick, chairman of the committee appointed, submitted a plan for state organization. It recommended that an association be formed in each county of natives of the state who had reached their majority. The officers of these county organizations are to be the executive board of the state organization, and all members of the county organizations are members of the state organization by virtue of that fact.

On motion of Mr. Patrick, Professor Taylor was made president of the state organization. He thanked the meeting warmly, He announced as the constitutional committee Messrs. Pound, Estabrook and Stewart. On motion of Mr. Wheeler, Mr. Estabrook was made secretary.

Professor Taylor announced that all Nebraska born young men are requested to meet at the Lindell hotel at one o'clock today to take part in the parade.

After adjournment many lingered to get acquainted with each other.

The Nebraska capital has never experienced, in all her history, a prouder day than the second and closing day of the celebration of the birth of Nebraska statehood. The down-town portions of the city were wreathed in flags and every device of gay ornamentation. The early trains

brought into the city hordes of invading neighbors to join the liberal throng that had gone into camp in Lincoln's hostelries and homes the preceding day, and mid-forenoon found the main thoroughfares presenting an aspect only equalled, if ever, by the most popular days of state fair weeks. And when the great parade occurred the crowd was "simply out of sight," for no matter where one chanced to look or go the interminable concourse of mingled neighbors and strangers stretched before him apparently without end.

It was 9:47 in the morning when Mark Dunham, of Omaha, called to order the members of the legislature of 1867, also those of the session of 1866, and those of the preceding territorial sessions, which was the first scheduled meeting of the day. The following members answered to the roll call:

Session of 1867—Martin Dunham, I. S. Haskell and E. P. Childs, of Douglas; George N. Crawford and A. W. Trumble, of Sarpy; Isaac Wiles and Lawson Sheldon, of Cass; J. E. Kelley, of Platte; J. A. Muthauk, of Washington; T. J. Majors, of Nemaha.

Session of 1866—H. W. Parker and Nathan Blakely, of Gage.

Hon. I. S. Haskell, of Omaha, thought the members should attend the general exercises in the other end of the building in a body. He added that the members present should indulge in recalling the events of the early legislative history of the state.

Mr. Wiles, of Cass, thought the members of the legislature of 1866 should receive a special invitation to participate.

The president explained that by the terms of the call convening the session, all members of any session previous to 1867 were included.

Mr. Wiles told how he had the honor to introduce the bill which defined the design on the great seal of Nebraska, and that in his mind the words "Equality

Before the Law," which are made a part of the seal of the state, meant, and should be made to include and guarantee to the women, the right of suffrage.

He was followed in a speech by Kelley, of Alma, who in 1867 represented Platte county, and who eloquently pictured the phenomenal growth and progress made by Nebraska and the nation since its admission, and he also pleaded for equal rights for women. Speaking on the subject of national appropriations, he said that he was in favor of "\$1,000,000,000 or \$2,000,000,000 if the expenses of the government make it necessary." He thought "no other state offered so good an opportunity to make a home and acquire a competency as does Nebraska, whether in the professions, at the forge, or in the fields."

The secretary, Mr. George M. Crawford, of Douglas, then read the following letter from Mr. William L. Hicklin, now of Indianapolis, formerly a member of the session of 1867:

INDIANAPOLIS, Indiana, May 21, 1892.

Members of the Committee, Lincoln, Neb.—GENTLEMEN: Your kind invitation to attend the reunion of the members of the Nebraska legislature of 1867, to be held at Lincoln on the 25th inst., duly received.

I regret, exceedingly, my inability to attend, owing to pressing business matters which keep me constantly occupied. It would give me great pleasure to meet so many of those with whom I spent so many pleasant days. I would like to tell how much I thought I knew when I took my seat in that body at Omaha, upon the hill, and now, after twenty-five years of learning, how I wish I knew as much as I thought I knew then.

I would like to tell my first experience in that body. For example, when a motion was made and carried (before we got fairly settled down in our seats) to award the contract for public printing to the Omaha Herald, (I think) and Gus Harvey whispered over to me to move to re-consider the motion, which I did, he jumped up and

moved to lay the motion on the table, which was also carried. There was blood in my eye. I demanded of Gus (in a voice so I could be heard all around) what in the h—l he was making an ass of me for. Telling me to make a motion, and the first one, too, on the floor of the house, and then get up and kill it. Gus said in a whisper, "shoo," "keep quiet; I will explain it all as soon as we get out." "Get out, h—l," I said, "I am ruined. We are both here to represent Otoe, and you are trying to shove me back, yourself forward, and I will salt you."

Well, when we got outside Gus tried and tried to explain to me, but I could not see it. I had great faith in McGath. So I went to him with my grievance against Gus Harvey, and when he told me it was a great move, and that I was a great and coming young man, I agreed with him and went to bed.

Next morning the Herald had my picture, and every democratic paper in the young, coming state said keep your "eye" on that young man "Hicklin."

Sterling Morton said, I sent that young man up there, and I am proud of such a sterling young man. This was the time some one should have killed me, for I have never been happier since, and Gus never gave me away.

Dan Lauer, who was then local on the Nebraska City News, would have a letter from me on the situation at the capital every day or so, which he wrote himself, and as they sounded well too, I was particular to show them to the other members, which made them very envious of me.

Many of the members who are fortunate enough and have the pleasure of meeting their colleagues in Lincoln on the 25th inst., will no doubt remember the delay that was occasioned in getting the bill through to remove the capital.

Two days were taken up in preparing the bill, for the reason that there was none of us who could tell how to spell the words capital and capitol, that is which was the

town and which was the structure. None of us from the south side took a Webster with us, there were plenty of dictionaries in Omaha, but none of the citizens would lend us one, as they were all opposed to moving the capital.

Now it is not generally known, but that very thing came very near keeping the capital at Omaha; even Gus Harvey insisted it was the capitol that we were going to move, and the Omaha fellows agreed with him. Then we got suspicious, for that was the first time they agreed with us during the entire season. I wired J. S. Morton. Here is a copy of his answer:

W. M. H.—Ask the Omaha fellows and then spell it the other way. Keep your eye open.

It was then I walked into the committee room and offered to bet \$100 that it should be spelled capital, and looked wise. Well, I wish I was with you. My best wishes to all.

Yours very truly,

W. M. HICKLIN.

A resolution was adopted thanking Mr. Hicklin for his letter expressing regret over his inability to be present at the silver anniversary, and inviting him to be present at the golden celebration to be held twenty-five years hence.

Hon. John Gillespie, who was state auditor in 1867, was invited to address the members, and responded, dwelling at some length upon a comparison of the advantages possessed by the members of the legislature now with those possessed by the members of the session of 1867, the changed conditions in the facilities for reaching the capital, hotel accommodations, per diem, etc. He also spoke of the remarkable progress made by the state.

The following resolution, offered by Mr. Crawford, was adopted:

Resolved, That there is due, and the thanks of the body are hereby extended to Will O. Jones of the Nebraska State Journal for the efforts made by him to bring together the surviving members of the legislature of 1867, and the many courtesies which we have received

through his kind consideration for our comfort while attending this celebration.

A permanent organization of the survivors of the session of 1867 and previous sessions was effected by the election of the following named gentlemen as officers: President, Samuel Maxwell; vice-president, Lawson Sheldon; secretary, J. E. Kelley; treasurer, Martin Dunham.

Mr. Atkinson of the Lincoln committee on arrangements then gave notice that seats had been reserved in representative hall for the members, and the meeting adjourned subject to call of the officers of the association.

THE CELEBRATION PROPER.

It Occurs in Representative Hall Instead of in the Open Air.

At an early hour yesterday morning the grounds about the state house were thronged with people, who were gathered there in anticipation of the formal celebration of the silver anniversary, the central program of the two days' carnival. Brass bands, banners and flags were as plentiful as squatters who lived on the present town site of Lincoln twenty-five years ago. The original intention was to have the exercises in the open air, but the wishes of the speakers were respected and the program was carried out in representative hall. Thither the crowds repaired where a majority were well cared for and furnished seats in the main hall and galleries. The hall presented a beautiful appearance, decorated as it was the evening before for the meeting of Nebraska sons. The walls were brilliant with sunflowers, the badges of the society, arranged in circles around the speakers' stand

and clustered into letters on the wall forming the words, "Nebraska Sons and Daughters." On the rostrum were Governor Boyd, Hon. G. M. Lambertson and Mayor Weir.

Occupying a prominent position in the audience were a group of old settlers, who during the morning held an old settlers' legislature. Chief Justice Maxwell and associate justices, Judge Norval and Judge Post, comprising members of the supreme court were present, together with officials of the state.

A feature of the musical program was the rendition of the beautiful song, the "Legions," by the Aeolian quartette, composed of Miss Richardson, Mrs. Wadsworth, Mrs. Campbell and Mrs. Bagnall. In response to an encore the "Sparrows Twitter" was sung.

An invocation by Rev. Charles B. Newnan preceded the opening exercises. Mayor Weir introduced Governor Boyd and invited the audience to rise and greet him. The immense crowd arose and applauded him liberally. In delivering the address of welcome Governor Boyd said:

FELLOW CITIZENS: As the chief executive, I assume the pleasing duty, in the name and on behalf of the generous people of Lincoln, of welcoming you to the ceremonies of the celebration of the silver anniversary of our history as a state. It is the silver reunion of the body politic of Nebraska with the sovereignty of the state. I felicitate you upon the exalted aspect of that sovereignty, resting in the people's will, decreeing nothing for the people, but by the people, and I take great gratification to myself in extending an impartial welcome to each section and valley, to every county and city, and to each hamlet represented by the people here. I hardly need suggest to you that this city, today one of elegant culture and refined civilization, was, twenty-five years ago, almost unthought of, and undreamed of. But a grander expanse lies beyond! Turn away for a glance from this beautiful

spot, to the vast stretch of splendid achievements within the limits of this great state, and what do you see? Instead of the enduring works of a proud and progressive people, they seem more like products of the necromancer's art; like scenes and pictures from some wondrous dream. But the magic which has produced this, is not the sorcerer's spell. It is the genius of the world's dominant race, which has touched with deft hand the eager earth, and from the passions of that loving thrill, behold within our borders, cities and towns, and fields ablossom and abloom. From May, 1854, to May, 1892, how vast the change! From the waste of a desert, to the diadem of a splendid state!

Thirty-eight years ago, now in the past, here where you now stand, was found a huge barbaric land, lying prone in a state of nature, without a landmark, and without an inhabitant, but ample for the homes and herds and the harvests of a million people. You are the fortunate people; you have the harvests. You have gathered to, and have added to these every other element of wealth that lies within the grasp of a christian people. Science has given up to you her mysteries, and art has lent her dexterous hand to add to your wealth and increase your prosperity.

I see before me in the audience some few friends and neighbors of the territorial period; then squatter sovereigns of high rank now reigning citizens of the state. And, in years to come, let the grandeur of our state be what it may, back to you and they who first lifted it out of savage domain, the heart will always turn with sentiments of gratitude and love.

The prosperity of the first decade was not uniformly equal or continuous. There were seasons of warfare, of hardships and depression. The frontier settler, while he gave thanks on bended knees, rose up betimes and smote the aborigines; and oftentimes he contended with the plague and the pestilence. But these visitations and

vicissitudes gradually passed away, and the state of Nebraska at length, on the first day of March, 1867, took her place in congress as a sovereign state bearing that symbol of justice, "Equality Before the Law."

The bestowal of statehood upon Nebraska was the first charter of nobility that lifted the electoral franchise to its present dignity, and gave the world to know, that within the limits of its jurisdiction, irrespective of race, condition or creed, could be found that ideal of human aspirations and hope, a government of the people.

From a population of 88,000 in 1867, to 1,050,000 in 1890, from 130,000 head of domestic animals then, to 10,174,000 now; from an assessed valuation of \$20,000,000 at that period, to one of \$250,000,000 at the present time; from 200 miles of railway twenty-five years ago, to 5,500 miles operated today, is a brief story of internal development and growth found in the progress of no other state. The latter agency alone as an enhancement of wealth, and an element of progress, has been the equal factor to all others in the state, except that of human industry itself.

Five years prior to the first settlement of the territory, but three states in the union had a larger population than that of Nebraska today; and it is safe to hazard the prediction that, before the next general census, her people will number 2,000,000. This teeming immigration, and this wonderful progress, was, in some degree, stimulated by the magnificent grant of school lands from the general government, and the ample educational fund of the state, that insured the opportunity for every citizen's child to be well taught and well educated. Today the eyes of the civilized world rest upon this state as a marvel of rapid and enduring growth. And what should be a source of pride to us all is, that within its borders is found the highest grade of public education, and the lowest percentage of illiteracy of any commonwealth in the land.

From the American revolution dates the mightiest change in the world's political thought; and that grandest

event, that ever rose out of the inspiration and hunger of the human heart, has disclosed to the people of every race and clime, the culmination of the struggles of man, in erecting upon the pillars of free conscience, free speech, free thought, and "Equality Before the Law," the grandest government that the world has ever seen. And, in the onward march of states, toward sustaining these temples of honor, seeking the completeness of individual liberty, and the perfection of earthly life, on the brow of this commonwealth, will at all times be found that lustrous crown of glory, made in the dawn of statehood by your rugged hands.

Thus, my fellow citizens, by your fortitude and enterprise, by your industry and wisdom, the dust of antique times, the mold of ancient barbarism, and the last relic of Indian savagery, have been swept from the face of this fair land. And if it shall be questioned whether, with all the enterprise, and its rich results, we have not still the same greed for gain, ambition to conquer, love of mastery and rule, desire to scheme, and the play of unruly prejudice and passion, which have marked the history of other communities, to their detriment, there can be but one answer. ' Education, the ordinances of morality and christian endeavor are the essential elements of society which shall preserve this nation and this state. While these remain, who shall compete with you in the honors due to a state; and who in your abundant harvests, your enpastured plains and valleys, your rich balances of trade, your increasing commerce, and the expansion and reward of labor.

But for one moment a broader view. What is the vitalizing principle of our civilization as a nation, and the warrant for its preservation? That warrant is the virtue and the intelligence of all the people, who receiving their broad inheritance, enriched in ages past by geology and its changes, with an opulence of fertility and mineral wealth, have transmuted it beyond the dreams of avarice

into manifold values, and have spread their domain from a narrow strip of the Atlantic into continental proportions, from sea to sea!

That principle of civilization is the representative system, which when executed as prescribed strikes no name, however humble or dependent, from the peerage of the American republic.

Constitutional monarchies may boast of colonial rule—as lands of settled governments—of just and ancient renown, and of freedom broadening slowly from precedent to precedent. But they have no popular representation founded on the equal rights of the people. It was left to the American colonies, alone, a century ago, by a written constitution, to erect a landmark and monument to the temple of equal rights; and to guard it with a force of moral power which the strong passions of hostile armies could neither sever nor overcome. Within that landmark and monument to civil liberty, the composite society of this Union has received protection, has enjoyed stability, has made unlimited progress, and has accumulated wealth untold. That Union which has defied the tempests of the past century will, under the Providence of God, withstand the storms of centuries to come.

ODE TO NEBRASKA'S SILVER ANNIVERSARY.

Miss Almena Parker read the following poem, written by Mrs. Mary Baird Finch, who, on account of infirmity, was not able to attend the exercises:

ODE TO THE SILVER ANNIVERSARY OF NEBRASKA.

Nebraska, fair Nebraska, thou daughter desert born,
The century rings afar today thy first glad quarter stroke;
A silvery peal of natal bells, and from our fields of corn
We give thee hail and greeting true, thou of the heart of oak.
Thou of the tireless arm, all hail! Thou of the mother hand,
Since time has made thee mother, too, whose fruitful bosom nursed
Thy grateful children dwelling wide within this mother land
Whom thou didst soothe with words of cheer when that dark storm
cloud burst,
And when Dakota's hills unloosed the train of winged insect hordes—
The devastating mowers in our golden wheat and corn,
Fierce as bold Assyrians, with the sheen of cruel swords,
And thou gavest of thy pity, upon that tearful morn.
Thou'rt reclaiming now, Nebraska, these fertile hills and plains,
Loud calling to the bravest of thy fearless pioneers,
And givest them the song of larks and pleasant summer rains
To smooth their way and bid them speed along the checkered years.
On this natal day, sweet mother, remonetize thy chimes,
Spurning once again forever that ignominious name,
When with green fields, ravines and glens, and streams like singing
rhymes,
"The desert" stands misnomer with a tainted breath of shame.
In thy early mother days, and the wee bit homes of sod,
We found anear our windows, pictures fair as poet's dream;
Environment of red wild rose, blue bells and golden rod,
And wrought the weird mirage for us, strange forest, lake and
stream.
No more her looming trees shall mock and make our dreams untrue;
Her witchery is banished from our farthest groves and farms.
The slanting summer rain has come, our skies are soft and blue,
And we fear no grim enchantment, nor the Banshee of its harms.

From upland hill and valleys wide we hear a voice of praise,

The fourth of this grand hundred years, from soul of silver bells,—
'Tis thy people, O Nebraska; keeping yet thy Arbor days,—

A golden thought that had its birth within thy sunny dells,
Till thy blooming orchards greet us, and the legions of thy trees
Where the oriole in yellow vest has hung its hammock gray,
And apple blossoms fall like rain upon the camps of bees

With our happy children singing—(I heard them but today.)

There the windmill's hand uplifted, is the hand of destiny,

And toilers rest beneath the trees—but we see no Rachel there—
Equal meet the youth and maiden at the university,

And Rachel wears a gown of white, and flowers in her hair.

The homesteads ken the music from thy Mecca ringing shrine

Whose devotees are flocking down to chant thy temple song.

And from their "claims" of planted trees—a gen'rous gift of thine

Ten thousand hurry on to join the other thousands strong.

The honest farmers coming, they have left the furrowed corn,

The boys forsake the feeding herds and seek the capitol;

The mothers fair and daughters, hearken glad this gala morn

While workingmen behold their craft, 'bove the corner stone of all.

Nebraska gives them welcome with her banners and her bells

When her people in their majesty have risen up as one.

(Hygeia stirs the waters of her healing pools and wells)—

Lo, the march of evolution, five and twenty years begun.

In five and twenty years to come, what founts and promenades;

What wooded shores, and azure lakes, and labyrinthine ways!

Till pleasure in her flowery van may find the fairy glades

That reproduce the mexic morn, the Montezuma's praise.

Nebraska, queen and mother, things inanimate and still

Unite to count thy quarter charms this anniversary day;

The tawny rocks reverberate along the crested hill,

The roads like russet ribbons wake the hamlets on the way.

Murm'ring willows whisper to the cottonwoods and oaks,

The streams are softly singing, flowing o'er their pebbly beds,

The lowing herds are list'ning the silver tenor strokes,

And departing deer are flinging to the east their startled heads.

The purple peaks were beckoning, five and twenty years ago,

Off'ring quiet nooks, and crystal springs to moving antelope

When first pre-emptors of the soil were speeding buffalo,

That wheel to look in wonder from that western mountain slope.

They wait the clanging signal that the anxious bellman rings,

And grasses lean to hear the notes till they touch the roses' lips,

While the sylvan crowd re-echoes the human choir that sings,

And commerce speaks the world around from her palace cars and
ships.

Thy cities hold the slender spires from Persia's glory set,
 New mosques of St. Sophia (and Stamboul's domes and towers—)
 From prairie marge, spell-bound, I gazed on airy minaret,
 Then turned away to newer scenes, made sad by newer flowers.
 Yet Progress rolls her painted car, Nebraska, on thy meads,
 While Industry's brown hands have brought their shining ham-
 mers on
 The "song of steam" to break the news, and tell the tender deeds
 Of Humanity, that yet may know her every sorrow gone.
 The sorcerer of time has carved upon the spaces white,
 On this mile stone of a century wrought out by pioneers,
 The alembic of a mighty host with scenes and figures bright
 To mark the panorama of our five and twenty years.
 Upon the next tall shaft to rise, what promises lie hid?
 What joyous bells to catch the strain and ring it down the land—
 "Peace" thou shalt write, "good will to man" upon that pyramid,
 And, Nebraska, may thy millions come to kiss thy mother hand.

Hon. G. M. Lambertson made the principal address of the day on "The State as a Political Entity." His appearance was greeted with applause. His firm and powerful voice, his commanding presence and eloquent words brought forth repeated demonstrations. The address in every respect was a masterly effort. He spoke as follows:

THE STATE AS A POLITICAL ENTITY.

The passing of a fraction of a century, of a generation of people, since Nebraska entered the Union, bids us to pause and reflect upon the lessons of its career. If the birthday of an individual is worth the keeping, certainly the silver natal day of a state is deserving of more than passing note. The advent of the territory into statehood, the admission of Nebraska into the Union on a footing with the original thirteen states, the conferring upon its people of all the rights and privileges that attach to a citizen of the greatest of republics, is surely worthy of public recognition.

To go back to the day of small things, to the sparse settlements of the early times, to the handful of brave pioneers who stood by our cradle, and then trace forward our advancement to our present rounded proportions,

touches our patriotic pride, intensifies our local attachment, and spurs us on to greater achievement.

Most of you were born in other and older states where the country was already made and its institutions matured, and your earlier affections were placed and fixed by inheritance on the old Bay, Buckeye and Keystone states, or the state of your birth; but now that your interests and life are bound up with the new state which you have watched with tender solicitude from its infancy, grown with its growth, kept pace with its rapid strides—bounding forward as it leaped forward—in fact, made it what it is, your affections and devotion turn to the state of your adoption. You love it because you have won the right to love it; it is your handiwork, the product of your energy, enterprise and sacrifice. While we will not allow any people to surpass us in love for the Union, fealty to its flag, devotion to its government, attachment to its principles, yet we must at the same time cherish a deep and growing pride in the history and institutions, achievements and greatness, of Nebraska.

We very naturally take a deep interest in the state, for its affairs and that of its political subdivisions, are of vital concern to us. By direct taxation, by the multiplied and numerous objects to which its laws extend, by the immediate and direct enforcement of those laws through its numerous officers and agents, the state touches us at every point in our daily life, and affects intimately the health, comfort, security, liberty and happiness of every member of the commonwealth.

I congratulate you that so many of those who were residents of the territory when it became a state, are present to assist in the celebration of that event—are here to unite in these felicitations upon the proud position which this commonwealth has taken and now holds in the galaxy of states.

We may count ourselves fortunate that this quarter-centennial occurs at a period of general prosperity and

tranquillity, when no cloud vexes the horizon, no calamity impends; when the work of the laborer and the toil of the husbandman have been blessed with abundant returns. It is fit in this year of grace, 1892, that we should by public exercises, for the first time, celebrate this event, so is it appropriate that these ceremonies which mark a period in our history should be held at the capital of the state; for the career of this city of 60,000 people is almost coincident with that of the state. It sprang into life as if by magic from the prairie with the advent of the state, has grown with its growth and increased with its strength. The magnificent demonstrations of this day, typical of its enterprise and restless energy, attest its fealty and loyalty to the state.

If the learned and curious researches of the lamented Judge Savage may be trusted, legend and tradition have woven a romantic story about the land of Nebraska. Tradition and legend paint in glowing colors the higher life and the better land. People in all ages, allured by legend and tradition, have roamed far and wide in search of regions of fabulous wealth. They have sought Hesperides in the wilds of Africa to pluck the golden fruit from the orchards of the daughter of Atlas; they have penetrated far into South America in search of Eldorado, that fabulous country abounding in gold and precious gems; they have sailed the seas in quest of the Utopian isle, where law, politics and government have reached their perfection. More than three centuries ago the daring Spaniard, following the bent of his adventurous spirit, his imagination inflamed by hoary legend, led his cohorts from the confines of Old Mexico across the Rio Grande, through arid deserts, over dreary wastes and mighty plains, to explore the land of plenty, where the great king sat upon his golden throne, robed in barbaric splendor, and ruled his subjects with despotic power. If ancient myth and fable may be believed, a Spanish general trod this very soil and halted only on the banks of the Platte,

where, tired, weary and worn, he learned that he was pursuing only the figment of his fancy; no kingdom, no palace, no habitation, no people, save wandering nomads, cheered the vision. The view of the vast desert was only confined by the stooping skies; the soil seemed sterile, the water alkali, and the scorching heat oppressed the explorers as the simoon of the eastern desert. The Seven Cities of legend and tradition proved to be but the allurements of the mirage that now and then enchanted the vision, as it threw into relief mountains, rivers, forests and beautiful cities with their gilded palaces. The dream of the Spaniard was not fulfilled, but in the balance of time centuries weigh but little. The legend of yesterday is the fact of today. The dream of the adventurer three times a century ago, is the proud reality of the present.

The territory out of which the state is carved is rich in historic interest. In the year of 1763 France ceded the area of country now known as the Louisiana purchase, to Spain. Spain continued in possession until the year 1800, when Bonaparte concluded a treaty with Charles IV., by which the entire territory was retroceded to France. In 1803, before France had taken formal possession of New Orleans and this vast territory, a grave crisis arose in European affairs; war again threatened the peace of Europe. Fearing that England with her superior naval force, might deprive France of her newly acquired possession, Napoleon, by a quick and brilliant diplomatic feat, placed Louisiana beyond the reach of England. Mr. Blaine, in his "Twenty Years in Congress," says that Bonaparte, in April, 1803, after returning to St. Cloud from the religious services of Easter Sunday, called two of his most trusted advisers, and in a tone of vehemence and passion, said: "I know the full value of Louisiana, and have been desirous of repairing the fault of the French negotiators who lost it in 1763. A few lines of a treaty have restored it to me, and now I must expect to lose it. The English wish to take possession of it, and it

is thus they will begin the war. They have already twenty ships of the line in the Gulf of Mexico. The conquest of Louisiana would be easy. I have not a moment to lose in putting it out of their reach. The English have successively taken from France the Canadas, Cape Breton, Newfoundland, Nova Scotia, and the richest portions of Asia. But they shall not have the Mississippi which they covet." The discussion went far into the night between the two ministers and the first consul; one was in favor of holding Louisiana at all hazards; the other urged its prudent cession rather than its inevitable loss by war. Napoleon finally said: "I renounce Louisiana. It is not only New Orleans that I will cede, it is the whole colony without any reservation. I know the value of what I abandon. I renounce it with the gravest regret. I direct you to negotiate this affair with the envoy of the United States. But I want a great deal of money for this war. I want fifty millions for Louisiana."

Napoleon afterwards added: "Perhaps it will be objected that the Americans will be found too powerful for Europe in two or three centuries; but my foresight does not embrace such remote fears. Besides, we may hereafter expect rivalries among the members of the Union. The confederations, which are called perpetual, will only last until one of the contracting parties finds it to his interest to break them."

Two days after this conversation, Messrs. Monroe and Livingston, representing the United States, purchased this vast extent of territory, fully as large as the thirteen original states, for the comparatively small sum of fifteen millions of dollars. A cost so small, says Mr. Blaine, that the entire sum expended for the entire territory does not equal the revenue which has been collected on its soil in a single month in time of a great public peril. The amount of internal revenue collected by the United States for the year 1891, from the states of Louisiana, Arkansas, Missouri, Iowa, Kansas, Nebraska, Minnesota, west of the

Mississippi, Colorado north of the Arkansas, Dakota, Wyoming and Montana, and the Indian Territory, which are all included, together with Texas, in the transfer made by Bonaparte, amounted to the sum of \$17,501,204.42. The total internal revenue collected in the collection district of Nebraska for the fiscal year 1892, will exceed \$5,000,000, one-third of the total amount paid for Louisiana. We may safely estimate the annual revenue derived directly and indirectly from the territory acquired from France, for state and national purposes, at one hundred million dollars. The acquisition of Louisiana brought incalculable wealth, power and prestige to the Union and must always be regarded as the master stroke of policy which advanced the United States from a comparatively feeble nation to a continental power of assured strength and boundless promise. President Jefferson might safely rest his fame as a statesman upon the diplomacy that secured to us the Louisiana purchase. The extent and resources of this vast domain were comparatively unknown, yet Napoleon, with that rare prescience that ever characterized the master mind of Europe, was sensible of the fact that France was losing an empire of imperial dimensions.

From the date of the cession of Louisiana down to 1854, the territory to the westward and northwestward of Missouri and Iowa was not only unsettled, but had no form of civil government. It stretched from the north line of Arkansas to the border of British America, twelve and one-half degrees of latitude, and westward to the confines of Utah and Oregon, and in extent was ten times the combined area of New York and Pennsylvania. In the year 1854, the Missouri Compromise, passed in 1820, which devoted the vast domain to freedom, was repealed, and by the same act Nebraska was organized into a territory. The law that made Nebraska a territory declared that its "true intent and meaning was not to legislate slavery into any state or territory, and not to

exclude it therefrom, but to leave the people perfectly free to regulate their domestic institutions in their own way." In these words were embodied the "squatter" or "popular" sovereignty ideas of Stephen A. Douglas. The repeal of the Missouri Compromise, accompanied with the statement that any state could vote slavery up or down at its pleasure, produced a frenzy of wrath among the people of the north. From that time on Nebraska and Kansas became the theatre of events of national interest, and about their names centered a bitter discussion and agitation of the slavery question. The first census showed that slaves were owned and held within the territory. November 1st, 1858, William H. Taylor, as chairman of the committee to which a bill to abolish slavery in Nebraska was referred, reported to the territorial council that there were six and a half slaves in the territory, the fractional portion referring to a small negro boy who was in the humane keeping of some person residing south of the Platte. The effort made to save Nebraska to freedom, and the honorable part taken by the vast majority of the people in resisting the encroachments of slavery, deserves more extended mention than I can give it here. That struggle gave us a prominent place in history, and links the name of the state with a grave crisis in national affairs. The attitude of those opposed to the introduction of slavery may be summed up in the words of Lincoln: "We will hereafter speak for freedom and against slavery, as long as the constitution guarantees free speech; until everywhere on this broad land the sun shall shine and the rain shall fall and the wind shall blow upon no man who goes forth to unrequited toil."

The annals of the early territorial days possess almost romantic interest. The adventurous pioneer who courageously turned his back on the comforts of civilized life to undergo the trials, brave the perils and risk the hazards of frontier life, is deserving of the plaudits of the day,

because he planted the seeds of our present greatness. The man who, in search of his fortune, gathers his wife and children and all of his worldly effects into a "prairie schooner," and, turning his face to the setting sun, with a faith invincible, pursues his weary way across the continent, through pathless deserts, across wide rivers, over vast plains, into a wild and unexplored and unknown land, there to plant a home amid unseen but certain danger, possesses a heroism which eloquent word and poetic pen will ever fail fittingly to portray. We who come after and reap the fruits of the labors of these avant-couriers of civilization; we who enjoy the comforts, luxuries and refinements of life far away from the "nettle of danger," have but a dim comprehension of the overpowering loneliness, the privations, and the arduous toil of the advance guard upon the border, who have wrought out such a glorious destiny for themselves, for us, for posterity.

The birth of Nebraska was only accomplished after a long travail. As Senator Gere said before the Historical Society, in January, 1890: "Nebraska was created a territory amid the voice of eloquent contention, and the hour of its nativity as a state resounded with no less impassioned strain." It was the policy of Mr. Lincoln to increase the number of free states from that section of the country which had never been affected in any way by the institution of slavery. He therefore encouraged the settlement of the territories west of the Missouri river. His object was to put beyond the calculation or hope of the disloyal states the possibility of their ever again having sufficient political power to compete for the mastery of the republic.

The sixth session of the territorial legislature passed an act to form a constitution and state government for the state of Nebraska, being the fifth bill introduced in the council, and the third in the house that session. The council voted on the bill December 16th, 1859, and it was passed by a vote of 8 yeas to 2 nays. In the house a simi-

lar bill was presented on December 8th, and after much discussion, was passed January 4th, 1860. The proposition was submitted to the people March 8th, 1860, and decided adversely, there being 2,094 for and 2,372 against the proposition. On the 10th of April, 1864, an act of congress was approved by President Lincoln, enabling the people of Nebraska to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states. The continuance of the war and the consequent disturbance of national affairs, joined with the partial suspension of emigration to the west, and the Indian troubles on the frontier, united to render this permission undesirable; hence no action was taken under this act until the meeting of the legislature of 1865 and 1866. At that time the legislature submitted to a vote of the people, a constitution to be voted upon at an election to be held on the 21st day of January, 1866, at which election not only the rejection or adoption of the constitution was to be voted on, but candidates for the various state offices were to be elected. The political campaign that followed was stoutly fought and the election very close. The majority for the adoption of the constitution was barely 100, and Butler was elected governor by a vote of 4,093 to 3,946 for Morton. There was a spirited and exciting contest in the legislature which met at Omaha at the old capitol on the 14th day of July, 1866, as to whether or not the constitution and candidates of the republican party had won the day. Most of the noted men and prominent politicians of today, both in the democratic and republican parties, participated in the contest. The constitution was finally declared adopted, and Hon. John M. Thayer and T. W. Tipton were chosen United States senators; Tipton, according to the wording of the ballots, being senator from the South Platte, and Thayer senator from the North Platte. The state of Nebraska was not named on the ballots. The seat of war was immediately transferred

to Washington. Senators Tipton and Thayer, armed with proper credentials, as the representatives of the state organization, departed for the capital, and Hon. T. M. Marquett, who had been elected by the people as their first congressman, knocked at the doors of the house. The bill for the admission of Nebraska was late in the session, not being introduced for consideration until the 23d of July. It passed by a vote of 24 to 18 in the senate, and by a vote of 62 to 52 in the house. The constitution of Nebraska excluded the negro from the right of suffrage, and for that reason a very considerable portion of the republicans of each branch voted against the bill. The vote was so close in the house that but for a frank and persuasive statement by Rice, of Massachusetts, from the committee on territories, it would have been defeated. He pictured the many evils which would come to the state with its 60,000 inhabitants, if they could not do for themselves, as a state, many things which the national government would not do for them as a territory. Congress adjourned the day after it was finally passed by both branches, and the president quietly pocketed the bill, and thus the prolonged effort to admit Nebraska into the Union came to naught.

Senator Wade at the beginning of the second session of the Thirty-ninth congress, again introduced a bill to admit Nebraska. The word "white" in the constitution of Nebraska was a political embarrassment to the republicans who were anxious for its admission. Congress was at that time engaged in passing the reconstruction act for the states lately in rebellion, and had made it imperative that negroes should be endowed with suffrage in these states. While insisting upon this condition for southern states, it was obviously impossible for congress to admit two northern states with constitutions barring suffrage to negroes. Finally the opinion prevailed that the word "white" was a nullity, and in contravention of the constitution and laws of the United States. A final compromise

was reached by inserting in the act of admission, an additional section declaring that the act should not take effect except upon the fundamental condition that within the state of Nebraska there shall be no denial of the elective franchise or of any other right to any person by reason of race or color, and upon the further condition that the legislature of the state shall, by a solemn act, declare the assent of such state to the said fundamental condition, and shall transmit to the president of the United States an authentic copy of such act. This action was accomplished late in January, 1867, and on the 29th of that month President Johnson vetoed the bill. The act was, however, passed over the veto, by a vote of 30 to 9 in the senate, and 120 to 43 in the house. By proclamation of Governor Saunders, had February 14th, 1867, the legislature known as the first legislature of the state was convened, February 20th, for the purpose of acting on the fundamental condition imposed on the state by congress. The measure was presented for action in the form of a bill and passed the senate by a vote of 7 to 3, and the house by a vote of 20 to 6, and was approved by the governor, and on March 1st, 1867, President Andrew Johnson issued a proclamation declaring Nebraska a state.

The admission gave an impetus to every industry, and the growth of the state since its admission has been rapid and steady. Here I must drop into statistics. Bare statistics are generally uninteresting, except to those hungry for information. "They are as about as uninteresting," says Mr. Edward Atkinson, "as the brushes which the artist uses in painting a portrait; yet they may be so applied as to make a true picture of life to him who has the eyes to see." What can give one an idea of the marvelous growth of the state so well as to express in figures the fact that scarcely a mile of railroad was in active operation in Nebraska in the year 1867, while the total mileage, according to the report of the board of transportation for the year 1891, is 5,404 miles. The Union Pacific

was in progress of construction, but was not in operation for through travel and business until about the year 1869. The total railroad mileage built in Nebraska in twenty-five years, is equal to that constructed in England, Scotland, Ireland and Wales in the same period. The great railroads rushing on, one after another, across the continent, opening up fertile regions to settlement, and planting new towns along their iron threads, have been the most potent factors in subduing the wilderness and building up the state.

It is interesting to note the growth of manufactories in what is thought to be a strictly agricultural country. The value of our home manufactories, as shown by the census of 1870, was only \$36,951, while at the present time, as shown by the report of the commissioner of statistics, it is \$3,731,690., and the total product in 1888 was \$32,817,064. The last report of the secretary of the treasury of the United States shows that the amount of money in circulation at the present time is \$22 per capita. There are, in the banks of Nebraska, \$43,511,043, or \$47.66 per capita. The valuation of property in the year in which Nebraska was admitted into the sisterhood of states, was \$20,115,252. This undoubtedly was a very high assessment, made directly after the war. The valuation for the year 1891 is \$183,138,236.28, and the true value of all the property, real and personal, in the state, exceeds \$1,000,000,000.

As we are an agricultural state, and more directly interested in the products of agriculture, it is gratifying to know the growth of that industry. The number of acres under cultivation, according to the census of 1870, was 647,031, while by the census of 1890 they are 7,961,969. The number of bushels of wheat produced in 1870 was 2,125,000 bushels. In 1890 it was 10,571,059. The number of bushels of corn in 1870 was 4,736,710, which in 1890 increased to 215,895,956. So corn is king. The total cereal product in 1870 was 8,596,179, and in 1890, 283,338,889 bushels. If the same rate of increase is kept up for

the next twenty-five years, Nebraska will then produce annually nearly 800,000,000 bushels of grain.

Thomas A. Benton, more than forty years ago said: "Cultivation produces population, and people are the strength of the nation." Judged by this wise sentence of one of our most eminent statesmen Nebraska's condition is unrivalled, for her growth in population has surpassed all expectations. In 1855 being the year following the organization of the territory, Nebraska had a population of 4,494. At the time the state was admitted the population was probably near 70,000, which had grown to 122,993 in 1870, and by the census of 1880 to 452,542, and in 1890 to 1,056,910.

The Indian, buffalo, antelope, coyote, jack rabbit, prairie dog, owl and rattlesnake, native denizens of this vast solitude, have given way before the intelligence, enterprise and thrift of a cosmopolitan population. The immigrants from every land and clime have put their hands to the plow, and looking not back, have with ease conquered the soil and wrested from it such an unexampled yield of products, that the wild, wild west has become the granary of the world. Nebraska is the empress of the plains, or, as Walt Whitman says, "She is the prairie dame who sitteth in the middle and looketh east and looketh west." The waves of immigration, pressing toward the sunset, turned back by the Rocky mountains, are filling our fertile lands with representatives of all races of the earth, even from the furthestmost boundaries.

In our present population of twelve hundred thousand, the extremes of society meet. On the western line is the advance guard of hardy pioneers, braving the hardships and perils of frontier life, while along the banks of our great river dwells an older civilization, possessing the necessities and comforts of life, the culture, refinement and luxuries of the more favored commonwealth. If our civilization is not quite what the dream of the adventurer

of three centuries ago conjured, it is richer and greater than his wildest fancy. Thus it is with all our dreams, aspirations and hopes. As the years go by, we, in the ripeness of time, attain them, but the manner and form in which they are realized hardly conform to our sanguine expectations or fond anticipations.

In Europe, the sovereign and the capitalist standing over the cradle of the illiterate, poverty-and-vice-stricken classes, has little fear because the musket and the bayonet stand between them and the child of poverty, ignorance and crime.

In a republic like ours we can have no such reliance. Here upon this fourth continent, where the races of the other three are flocking to solve the problem of self-government, our safety must depend upon the diffusion of knowledge and the general, thorough and systematic education of the people. This pressing need has been met by the munificent endowment of lands to the state by the general government, aggregating 2,880,871.29 acres, for educational purposes.

It is a broad and splendid domain, an inheritance to your sons and a dower to your daughters, all dedicated to the diffusion of knowledge and the spread of intelligence. None of this land can be sold for less than seven dollars per acre. Its present value is at least \$50,000,000. During the past two years the state has received from these lands the sum of \$1,141,211.00.

The public schools are in a most prosperous condition, and have the confidence of the people, as is shown by the fact that the sum of \$4,212,463.41 was contributed for their support for the year 1889-90, while the total general school fund, on November 30, 1890, was \$6,572,089.82.

The state university with its splendid equipment and corps of instructors, and an attendance of more than 500 students is fast taking rank with the best universities in the land. It has the entire confidence of the state, and was never so well managed, and carefully conducted as

now. In addition, there are a number of private schools, normal schools, and denominational colleges, and universities, all handsomely endowed or supported, and thronged with eager students. In view of these educational facilities, and the deep interest taken in education, it need not occasion wonder that the per cent of illiteracy in Nebraska is less than in any other state.

Whether we approve or view with alarm, the fact must be conceded that the state as a political factor is diminishing in importance. The national idea has been growing and expanding since the war, and the federal government dominates and rules in what was formerly supposed to be within the exclusive control of the state. The development of the national constitution by judicial decision and legislative interpretation, the extension of commerce between the states, the encroachments of the federal courts upon the province of the state courts, the combinations of capital in different states under one name and management, the indestructibility of corporate existence, the consolidation of vast interests into trusts, the aggrandizement of wealth, the constant call upon the general government for aid to educational and charitable purposes and for assistance in the construction of what are strictly internal improvements, the growth of the paternal idea and the feeling that the government should foster every great enterprise, all point to the marvellous growth of the nation and the lessening power of the state. By the end of another twenty-five years there will be fifty states in the Union, and 100,000,000 of people; our commerce will have expanded to extraordinary proportions. It is, and always has been, the most potent factor and instrument in nationalization. Impatient of, and restive under restrictions, it beats down state lines, and imaginary boundaries. It demands uniform laws, customs, regulations and methods of business. The inconvenience of fifty political bodies with their different governments, and sets of officers, of fifty codes of law, fifty supreme courts announcing

conflicting opinions and promulgating diverse interpretations of the law, is opposed by the levelling influences of the age, and the aggressive spirit of commerce, and that internal free trade, that reigns throughout our borders.

In another twenty-five years the United States will have become a first class naval power; it will have an army of 100,000 men as a nucleus of security against foreign invasion, and to quell tumults in the states and riots in great cities; it will own and operate the telegraph as it now does the post office; the railroads will either be under the direct control of the government or will be consolidated into two or three companies under as few managements; it will collect and disburse annually, a billion of dollars. Does not the trend, ever, as well as the logic, of history, point unerringly to this consummation? Will the government in possession of these vast powers, with its arms thus lengthened and strengthened, with the prestige it will have at home and 'abroad, continue to recognize the integrity of the states, or will it silently and steadily, by its puissance, encroach upon, invade, and finally, in some great political upheaval, on the plea of necessity, absorb and swallow up the autonomy of the states? This danger is not imminent, but the march of events, unless halted, is towards such a destiny. If the state holds its own in this race, it must be vigilant against encroachments, however stealthy, and swift to resent invasions, however bold, of its prerogatives. Even the clearest judgment and the firmest will of the state and its statesmen may not be able to resist the drift of events and the working of natural causes. It may help us to be reminded of the lofty words of Pericles in his oration at the celebration of the funeral rites in Athens: "You must constantly keep before your eyes the powers of the state, and must love them. Look for happiness in liberty, and for liberty in your courage." On this day when we are assembled to celebrate the union of the state with the nation, I am inclined to take an optimistic view of this disquieting problem, and express an

abiding faith that although the nation will, by its expansive force, extend its control into ever widening fields, and make its influence felt with a quicker and firmer touch in every part of the country, and by comparison dwarf the sovereignty of the states, yet it will not crush, and we may therefore look with confidence to see even in the distant future, "an indestructible union of indestructible states."

I can find no words of my own in concluding my address, that so felicitously express the thought of the hour, as those used by the scholarly Woolworth in his address, delivered before our historical society in 1882:

"Fear not for the mighty growth. It shall not crush, but rather illustrate those benign institutions of nation and of state, co-existing and related, one the complement of the other, the two together administering to the common peace and wielding a different supremacy for the safety of all, and for the very perfectness of political contrivance, which, as it was equal to the small beginnings of the nation, shall still be equal to the exigencies of the mighty empire, under the beneficence of its jurisdiction, under the stable order of its judicious laws, under the stimulating instruction of its temperate agitation and under the blessings of an intelligent, profound, vital religious faith, civilization shall be advanced beyond what now the heart of man can conceive."

SENATOR PADDOCK'S REGRETS.

The following telegram, received by the general committee in charge of the meeting, yesterday morning at the state capitol, expressed in an emphatic way Senator Paddock's regrets at his inability to be present and participate:

WASHINGTON, D. C., May 24, 1892.—C. A. Atkinson, Secretary Nebraska Silver Anniversary Committee.—My Dear Sir: I am compelled most regretfully to decline the

kind invitation of your committee to be present and participate in the celebration of the twenty-fifth anniversary of the admission of Nebraska into the Union of states.

My honored colleague and I have carefully observed a rule made by us at the commencement of our joint service that the state of Nebraska should never be left for a single day without a representative in the senate while we were in the service, to speak and vote for the protection of its interest. The observance of this rule was never more necessary than in these later days of the present session, when so many measures of special concern to our common constituency have reached that advanced stage of consideration where they require constant attention lest in the race for the survival of the fittest they fall by the wayside.

Recently Senator Manderson was summoned hence to guard the interests of others for whom he holds a sacred trust. He could not refuse to go. Therefore, I remain on guard.

I indulge in no spirit of vanity when I say to you that I have, with such ability as I possess, given over thirty years of the best years of my life to the upbuilding of our Nebraska empire. I doubt not others have rendered more useful and more important service in this behalf than I have been able to do. But very few have wrought therein for a longer continuous period and no one with a stronger hope and faith always inspiring him. When I first entered our chosen land, there was scarcely a church, or school house, or cultivated field. There was no agriculture nor commerce. There were no manufactories nor railroads. There were few taxpayers, very little to tax, and little or no revenue. From a territory possessing almost nothing in 1855, Nebraska has grown into a rich and powerful state with a population of 1,200,000 possessing in the highest degree the characteristics of intelligence, christianity, sobriety, industry, and thrift, owning property of the assessed valuation of quite \$200,000,000, a

state university which ranks at least third in excellence in the whole list of educational institutions in the west, and many other colleges of high standing with nearly 6,000 common school houses and fully 700 churches.

As a part of the fruits of our agriculture in the last year we had more than 200,000,000 bushels of corn, more than 20,000,000 bushels of wheat and 50,000,000 bushels of other grains. We had a hay crop of the estimated value of \$6,000,000, with many other products of great value. We possess more than 2,000,000 head of cattle, nearly 22,000,000 swine, 600,000 horses, 47,000 mules, and 270,000 sheep.

What a vast army of intelligent, industrious and thrifty farmers; what a magnificent agricultural state with all its wealth of beautiful farms and peaceful homes, this wonderful exhibit represents; but while this phenomenal agricultural development is going on, an enormous advance in manufacturing and other lines of material growth have also been made. Many beautiful and prosperous cities have been built. At the head of this splendid list is Omaha, which I first saw in the early spring of 1857. It was a ragged and straggling hamlet with possibly a thousand inhabitants in all. Next comes Lincoln, the beautiful capital of the state, which so late as 1867 did not exist; and now by universal consent, these splendid cities are entitled to stand in the front rank among the great cities of the west. Thirty years ago there was not a rod of railroad within 300 miles of our border. Now the state has within her borders 5,500 miles of railroad embraced in and part of extensive railway systems which are among the greatest known to our commerce. When we contemplate these stupendous results all accomplished within a period of only the average life of a generation, we are convinced that "peace hath indeed her victories no less renowned than war," and that among the greatest of these is that which we and those who have wrought before us in this Nebraska field have proudly won. Considering therefore, what we have done, and what we have to show

as a result of our labor, the pessimist gospel of discontent cannot fail to fall here upon most unwilling ears, for certainly no people of equal numbers on the face of the earth have acquired so vast an estate in so short a time, and none anywhere, at anytime have better reasons for contentment than the brave, intelligent, enterprising, noble men and women who have transformed the Nebraska wilderness of thirty years ago into the magnificent state of today. What a glorious privilege it is to have been permitted to perform a part, however humble, in this grand drama of state building and civilization extending, but the wave of progress has only reached the threshold of the great and powerful empire of the future, whose foundation we have helped to place but whose superstructure in all the vastness and grandeur of its proportions is to be completed by those who are to come later into the state, which the earlier builders building better than they knew, have created.

I congratulate all, as well those who came into the vineyard at the eleventh hour, as those who were in at the first hour that they have had the privilege to labor therein. As for myself, I thank my God with grateful heart that I have been spared to see the day which marks the arrival at the quarter post in the grand century march of the Nebraska empire. Many of us will not be here when the golden station shall be reached. All we can ask is that those who shall enjoy that privilege shall not altogether forget our devotion and our work through the weary years of pioneer life when they shall contemplate with just pride and satisfaction their own great achievements.

Very respectfully yours,

A. S. PADDOCK.

OLD SETTLERS MEET AND ORGANIZE AN ASSOCIATION.

The Old Settlers' meeting at representative hall was slow in gathering. It was 4:20 when M. L. Trester called the meeting to order. The street car blockade kept

many away. Dr. Renner, of Nebraska City, in spite of his protests, was made chairman. J. A. MacMurphy, of Omaha, was made secretary. On motion of Colonel Chase, it was decided that for the purpose of organization, those who were Nebraskans previous to March 1, 1867, should be charter members. Then a census was taken. Those registering, with date and place of settlement, were as follows:

W. M. Maddox, Pierce (now Otoe) county, April 7, 1854.

William Stadelman, Omaha, June 8, 1854.

Mrs. Margaret Maddox, Richardson county, March 10, 1855.

S. D. Fitchie, Otoe county, October 10, 1855.

Mrs. Eliza Tefft, (*nee* Kirkpatrick) Cass county, 1855.

A. W. Simmons, born in Cass county, February 1, 1856.

Mrs. Lawson Sheldon, Cass county, March 18, 1856.

Lawson Sheldon, Omaha, April 15, 1856.

Dr. L. Renner, Nebraska City, May 16, 1856.

John W. Pray, Lancaster county, June 1, 1856.

T. R. Pray, Clay (now Lancaster) county, January 2, 1857.

Mrs. E. T. Huff, Douglas county, 1856.

W. I. Davis, Cass county, April 23, 1857.

Mrs. F. Angie Blake, Johnson county, June 3, 1857.

Henry Wortendyke, Omaha, June 5, 1857.

Mrs. Alice Minick, Nemaha county, June 26, 1857.

Nathan Blakely, Omaha, June, 1857.

Orlando Tefft, Cass county, September, 15, 1857.

Andrew Cook, Otoe county, May, 1858.

E. L. Ellis, Lancaster county, May 29, 1858.

John Gillespie, Lancaster county, February, 1859.

Martin Dunham, Omaha, October 31, 1859.

W. W. Cox and wife, Nebraska City, February 29, 1860.

David Anderson, Omaha, April 3, 1860.

Mrs. Mary A. Bentley, Pawnee county, May 10, 1860.

Mrs. M. J. Tucker, Johnson county, October 30, 1863.

Mrs. E. J. Wortendyke, Otoe county, November 27, 1864.

J. M. Campbell, Saunders county, born September 15, 1865.

J. C. Hawk, born Brownville, October, 1865.

J. C. F. and S. F. McKesson, Richardson county, May 10, 1866.

W. P. and C. M. Stearns, Richardson county, October, 1866.

Colonel C. S. Chase, Omaha, October 10, 1866.

It was resolved that all settlers of Nebraska before March 1, 1867, be requested to forward their names with date and place of settlement, to Secretary John A. MacMurphy, 213 North Twenty-fifth street, Omaha.

Mr. Fitchie moved that the oldest member now recorded, act as president for the ensuing year. This developed some opposition. It was settled by electing Mr. Maddox, president. William Stadelman was made first vice-president, and Mrs. Minick, of Brownville, was made second vice-president. Mr. MacMurphy was made secretary, and Mr. Fitchie assistant. Mr. Simmons was elected treasurer.

Mr. Maddox was conducted to the chair by Messrs. Tefft and Stadelman amidst applause.

Secretary MacMurphy and Colonel Chase were appointed a constitutional committee. The constitution is to fix the date of the yearly meeting and the association is to meet on call of the president.

Some discussion took place over a name. The "Territorial Pioneers of Nebraska," was adopted.

W. F. Davis wanted to enter a protest against the name "bug-eaters," as applied to Nebraskans. Mr. Durham wanted the sons and daughters to make a move for a more euphonious title. Further consideration was postponed until the next meeting. The state Old Settlers' meeting then adjourned and continued the handshaking that had been indulged in throughout the meeting.

AN OLD GEM.

In 1857, John A. MacMurphy, the pioneer newspaper man, fell a victim to the wiles of the muse and jotted down the following:

Nebraska, Nebraska, the land of the free,
Where the muddy Missouri sweeps down to the sea;
Like the waves of broad ocean, thy prairies do roll,
And the sight of thy verdure is balm to the soul.

EARLY LIFE IN NEBRASKA.

Missionaries Among the Indians Along the Missouri River Sixty
Years Ago.

A series of letters written by Rev. S. P. Merrill, of Rochester, N. Y., in 1892,
for the Omaha World-Herald.

To the traveler to the Missouri river in the summer of 1833, as was Rev. Johnston Lykins, a missionary of the American Baptist Missionary Union, the country was interesting, as it proffered a field for hopeful christian work among the red men. This missionary had lately located at Shawnee, Mo., along with Messrs. McCoy and Meeker and their wives.

The agitation during the administration of President Jackson, with regard to the removal of the Indian tribes to western reservations, had interested the christian public in the religious welfare of the Indians, who were apparently so rapidly disappearing from the earth. Prospecting for his divine master, what field in all the country could present greater needs than the one at Bellevue?

Here was a government agency for the Otoes, Pawnees, Omahas and Missouris. These numbered many thousands. One hundred and forty miles below were located the Iowas, a wandering tribe, speaking a dialect similar to that of the Otoes and Missouris. These tribes were without any religious instruction. The influences about them were of the worst kind. The American Fur company had its traders located at frequent points along the river, so as to dispose of their whisky and alcohol at the highest price, and to the greatest number of purchasers. Furs and horses were cheap, whisky was dear. Great were the profits to the trader. It is said that alcohol was sold at \$20, \$30, and even \$40 a gallon. Within twenty or twenty-five miles of the mouth of the Platte was Robidoux's post. Here, when the Otoes and Missouris had the wherewith, could be seen the Indian ponies laden with one or more small casks of poor spirits, ready to betake themselves to their village and their orgies.

Bellevue was at first a trading post of the Missouri Fur company. They had sold out to M. Fontenelle, and he had disposed of a part of his holdings to the government. Here Major John Dougherty was government agent and Major Beauchamp was assistant. There were here now but few men. During the summer before, the cholera had carried off seven out of ten men in twenty-four hours, (1833.) On the bank of the river were the poorer huts, while higher up were the agency buildings. A quarter of a mile below were the buildings of Fontenelle. A fine description of the beautiful scenery of Bellevue, together with a picture of the hamlets as it looked in 1833, can be seen in the plates accompanying the book of Maximilian, Prince of Wien. A few miles above Bellevue, just below Boyer's creek, was the trading post of Cabannes. This was sold about this time to a fur company, and in 1834 was occupied by Major Pilcher. In May of that year were stored here beaver, wolf, and buffalo skins, and 24,000 muskrat skins, purchased at 25 cents apiece. Calico

was sold at from 75 cents to \$1 a yard; corn at 75 cents a bushel. The steamers Yellowstone and Diana, and others of like name, were plenty enough when wanted to carry freight or passengers, so that these prices represent the robbery practiced on the Indians and the workmen by the traders of that time.

The character of the government agent and that of Major Pilcher was most creditable. They were men who had the interest of the Indian at heart. Of the agent the worst that could be said detrimental is that he was most of the time away from his post.

His family were in St. Louis. His establishment at Bellevue, included two blacksmiths, Messrs. Gilmore and Laffesh. Messrs. McKissick, Shaw, Onel, Monbrain, Fanfan, Charlo, the interpreter, and his brother, the sub-agent, Hannibal Dougherty.

MAJOR DOUGHERTY'S LETTER.

I append a letter of Major Dougherty's of about the time contemplated in this chapter of history:

OAK HILL, near St. Louis, March 11, 1834.

DEAR SIR: I had the pleasure, a few days ago, to receive your kind favor dated the 12th of December and the 10th of January. I was much gratified with the information it contained, being the first and only correct intelligence I have received concerning the affairs of my agency since I left it. I am happy to learn that you and your family are so well pleased with your new situation and have such strong hopes of success. Although I am not a christian missionary, be assured there are but few men who feel more deeply at heart for the better condition of the poor Indians than myself. You must allow me to give you this warning, however: You will find it necessary to arm yourself with all the patience and fortitude you are master of, for the first two or three years, to get along with such wild and uncultivated people as you will have to deal with. Be assured of one thing, you have my

best wishes, and shall have all the aid in my power in the good work you have undertaken. I will try to comply with the several requests contained in your letter. I wrote to Mr. McKissick, and forwarded by the Pawnees duplicate receipts for the men in the employ of the government at my agency, to sign and forward as soon as possible. I am particularly anxious on this subject as I cannot render my accounts to the end of the year until I receive such receipts. I wrote also to Gilmore and to Laflesh to forward without delay, memoranda naming and describing anything they want this year for their shops. Be pleased to aid them in these matters, and if it has not been done before you receive this, I wish you would tell them to send a man down immediately to Fort Leavenworth with all the papers, provided Mr. Pilcher is not about sending an express to that place. Please tell Charlo to say to the Indians that no appropriation for their annuities has been made yet, and I fear it will be too late coming on for me to reach Bellevue before they will leave their villages for the summer hunt. They should begin early and put in a good crop of corn, etc. I will be with them as soon as possible. The superintendent is gone or about starting to Washington and will not be back till some time in the summer. Therefore it will be useless for Big Elk to come down, as he contemplated when I left him. His journey would be for nothing. The last Otoe and Pawnee treaties have not been ratified yet. Congress has not had time to take up such business, but I have no doubt it will do so before it adjourns. I wish Charlo to continue to counsel the Indians how to conduct themselves in my absence. Mr. Lykins had not been able to find the horse you rode down last fall, when I last saw him. I have not heard from him since. Mr. McCoy passed through St. Louis a few days ago. I did not see him, he having left before I knew of his arrival. I am sorry to hear that poor Fanfan is no better. Please remember me to all at my house, and present my best

respects to Mrs. M., and Miss B., and accept for yourself the best wishes, for your welfare, of your friend and obedient servant,

JOHN DOUGHERTY.

"Mr. M. Merrill."

The Otoes and Missouris of Nebraska are only a small family of the great Sioux race. They had their home near the Platte river before the westward movements of the whites made necessary the migration of the Indians of the middle and northern states. The early expeditions found them in this section of the country. The Missouris, in war with the Osages, had been so decimated that, while some of them joined other tribes, the larger number took up their abode with the Otoes. This they could the more readily do because their languages were almost identical in dialect. The tradition is that the Iowas, Missouris, Otoes and Winnebagos were one large tribe, and had their home in the region of the state of Michigan, and even further east and south; that they together began a movement west, and first the Winnebagos found good enough lands and decided not to go further. Next the more restless ones pushed on until they came to the Mississippi, where the Iowa river enters it. Here again the band divided, and the Iowas were left behind. The rest pushed still westward, and coming to the Missouri river, where the Grand river empties into it, settled there. There were only two principal chiefs left, and one having a beautiful daughter and the other a brave son, the usual attraction took place. But as with the whites, the course of true love did not run smooth, and the band separated once more. The Otoes continued further up the river, and located along the western banks of the Missouri, above and below the Platte river.

By the Prairie du Chien treaty, during the administration of General Jackson (1834), the government undertook to do for the Indians much more than had been hitherto attempted. The agency at Bellevue had under

its charge the Omahas, Otoes, (including the Missouris), and the Pawnees; Major John Dougherty was the agent, having removed from Fort Leavenworth. Under him were an assistant (his brother, Hannibal;) a teacher, and if need be, an assistant teacher; two blacksmiths, to care for the farming tools, and one or two farmers, to teach the Indians how to make their crops.

It will be seen that this contemplated a considerable outlay on the part of the government. Buildings were also to be erected at government expense. The new departure brought these Indians into direct relation with the government in a way to impress on them the fact of its careful supervision over them. The Otoes, Omahas and Iowas had been to Washington and seen for themselves the power and resources which the great father had in hand. Of the 120 portraits in the great work of McKenney and Hall, "History of the Indian Tribes of North America," there are portraits of six Iowa chiefs and one warrior; the names are Mahaskah, Young Mahaskah, Sháu-hau-napo-tinia, Not-chi-mi-ne, Watche-mon-ne, Mo-an-a-honga, and the warrior, Tah-roh-on. Of the Otoe tribe there are portraits of Shon-mone-kusse, known as Ietan, one of his seven wives who accompanied him to Washington in 1832, Hayne-Hudj-hini, the Eagle of Delight, Shon-ca-pe and one warrior, No-way-ku-su-ga. These are all fine portraits. In addition to these there are portraits of a few of these tribes in the work of Maximilian, before referred to. The names of other Otoe chiefs of this time are My-a-ke-ta, Waro-ne-sa. The Otoes numbered about 1,400 at this time.

Their principal chief, Ietan, or Shonmonekusse, was a man of great bravery and sagacity. He had won his way to the position of highest chief, by his prowess in Indian achievements as a warrior and as a counselor, and as a leader, and also as a hunter successful in the chase. In 1819 when Colonel Long's expedition was on the Upper Missouri, Ietan visited him with a party of his tribe. He

was then distinguished as a warrior, and is called social, witty, animated, and mercurial in temperament. During the grand dance which was given Ietan recited his deeds of merit. He had stolen horses seven or eight times from the Kansas. He had first struck the bodies of three of that nation slain in battle. He had stolen horses from the Iowa nation and had struck one of their dead. He had stolen horses from the Pawnees, and had struck the body of one Pawnee-Loup. He had stolen horses several times from the Omahas, and once from the Puncas. He had struck the bodies of two Sioux. On a war party in company with the Pawnees, he had killed a Spaniard and struck his dead body. "This," he said, "is the only martial act of my life that I am ashamed of." These tribes boast that they have never killed an American. Ietan retained his power as a chief and leader during his whole life. He was sacrificed by a feud in the tribe about the year 1838.

This chief had a Missouri river steamboat named after him, the Itan. In the quarrel over the desertion of him, for a second time, by one of his seven wives, the village took sides, and one evening seven bullets were put into him and through him, and in the morning, at about the age of 50, he died, and the Otoes had lost their great chief. When he was entreated not to go down to the village to be killed, he said: "Indian is not afraid to die, he is afraid to be ashamed; they are dogs, they have stabbed my heart."

Up to 1828 these Indians had known very little of the effects of drunkenness and the kindred vices. But they were quick to learn. For a keg of whiskey, it is told, that the whole results of a year's hunt by a father and son, including hundreds of beaver and other valuable skins, were bartered by the wife and mother. It would seem that in these few years, from 1828, the devil, if all power had been given him to destroy, could have made little improvement on the situation and results. What the

and how I had abused the mercies of God. This seriousness remained and increased. During some weeks I confessed my sins to God and with tears sought forgiveness. Before I obtained my hope I heard my father preach from these words: "As many of you as are led by the Spirit of God they are the sons of God." I thought I had been led to see the character of God, to see myself, to repent of sins, etc., and I hoped I might be led to rejoice in God. At a certain time when I had retired for meditation, reading the scriptures and prayer, my soul was made joyful in God. Through fear, lest I was deceived, I was kept back from uniting with the church. After some years of little spiritual life I carried my case to God in secret prayer, and felt my heart humbled within me. I could cheerfully give myself to God, and was at rest. At this time these words came into my mind: "Lord, what wilt thou have me to do," and closely following them, and with greater force, these words: "Go preach my gospel, saith the Lord." The reply immediately arose in my mind: "Lord, if thou wilt give me humility and strength I will go."

"In two or three days after this I gave my religious experience to the church, and was received and baptized. From that time until I left for Michigan, in 1829, I had the ministry constantly in view, and prosecuted my studies with reference to it, so far as my health would permit. When I left for the west the brethren gave me permission to improve my gift in public speaking. In Michigan I was licensed again, after speaking repeatedly before Baptist elders. I did not see fruits of my labors as I hoped, and was tried not a little. During these trials I visited Carey mission, but not with an expectation of passing more than a day or two. I was informed that there was no one there who would address the Indians on religious subjects publicly, although they expressed a desire to hear. I felt grieved and pained for them, and, upon being requested to pass some weeks in assisting the missionary,

I cheerfully complied, though for this service I received no compensation. Here I felt much for the poor Indians, and resolved that if a door opened I would become their servant, for Jesus' sake.

"Soon after, I received a letter from the secretary (Bolles) of the Baptist Missionary union, requesting me to inform him whether I would engage in the Indian mission. I received the letter with much pleasure, and thought I could plainly see the hand of providence in it."

These occurrences took place in the winter and spring of 1828-'29. His purpose to preach took him to Albany, New York, and there he taught for a time, and from there he journeyed to Michigan, teaching and preaching at Ann Arbor and vicinity. He devoted all the time he could to further study, so as to better fit him for the ministry. In the spring he went east to be joined in marriage to Miss Eliza Wilcox. This union took place on the 1st of June, 1830, at the house of the bride's brother, Calvin Wilcox, La Grange, Ohio.

The personal history of his wife, his chosen companion for the work of his life will set before the reader facts of interest as to this earliest of christian women in Nebraska. Do we anticipate when we say that her sisters need not be ashamed of her as a representative of their virtues and usefulness? Her ancestry was one of which any American might be proud. The first settlers of the name Wilcox, from whom is her descent, came to New England in the ship Planter. They settled first near Boston, then removed to Windsor, Connecticut. They were among the prominent people of the town. They held offices of honor and trust. Both her grandfather, Captain Sylvanus Wilcox, and her father, Brigadier General Sylvanus Wilcox, were in the revolutionary war. The latter was at the execution of Major Andre. Eliza Wilcox was born in the town of Charleston, Montgomery county, New York, on the 3d day of June, 1800. With every social advantage, she attended school until she was

capable of becoming a teacher. Though not many of her family were professed christians, she, at the age of 23, became a member of the Baptist church. This church she joined on account of very strong conscientious reasons. She at once felt the call of duty to be to live a life of religious usefulness to others. From teaching school in her own immediate neighborhood she went to Albany, and there started a school. The call for laborers as missionaries to the heathen was then ringing in the ears of church members as it never had before. Her own desires for usefulness were turning in that direction. She told these desires to her pastor, and the result was that she obtained a husband who was of the same mind with herself as to usefulness of life.

When, in her ardent love for the work she went to her pastor and made known her willingness to go afar to the heathen, her astonishment was great, not to say her indignation, when she was told that it was not proper for a lone female to go to the heathen with the gospel. Let a few words from Mrs. O. Healy, a dear friend, tell how she received this decision: "You request me to drop a line upon the subject that is, I believe, ever nearest your heart. But what can I say to you, only to wait till the husband comes. Poor fellow! the first act of his humility will be to take you whether or no, because we Baptists mean to be very nice. If the Presbyterians are vulgar (in sending unmarried young ladies as missionaries) it is no sign we should be. If the heathen perish, they perish, we women can't help it. It will never do to have it said they were taught to read the word of life by an unmarried female, that is, a Baptist one. O, shame! shame! But let us keep still. It will come out all right, and we shall see that God meant it for good, but no thanks to 'Joseph's brethren.' I would not be understood that I think any man wishes evil to this subject, but I think there is a criminal indifference upon it. May you in your dreams visit the fields now ready to harvest, free and unshackled."

The Rev. B. T. Welch, D. D., of the Pearl street Baptist church, Albany, N. Y., whose sense of fitness had so discouraged this ardent would-be missionary, told her he would get her a husband. He was, in the providence of God, as good as his word. He introduced them to each other, (with what previous words to each there is no record,) and it was not long before the two disciples of the Lord whose hopes and aims were one, united their troths to each other. The wedding was consummated June 1, 1830, as we have said.

The training of Mrs. Merrill for the work of the missionary, previous to her marriage, had been of the most useful sort. She had been a teacher in the schools of her own country home, and a very successful one. She had taught in Albany, in day school and in sewing schools for the poor. She had been a helper in teaching poor colored children and in the year 1829 she, with Mrs. Orissa Healey of Albany, planned and started the Albany Orphan asylum, which is now the largest, most prosperous and most vigorous of such institutions. The conduct of infant schools had especially occupied her attention. She had made this branch of work a particular study, going to the best schools of the kind in New York City for the purpose.

The fitness of both of these servants of God will, I think, be clearly seen, and the providence of God in bringing them to this field is as clear. Together they were in the wilds of Carey mission, and in the experience of the mission at Sault Ste. Marie. At the behest of the Baptist board of foreign missions they were sent to the Shawanoe mission in Missouri, in the summer of 1833.

To the ardent christian mind it is easy to see the "triumph from afar, and seize it with the eye."

The mission world was then just beginning to thrill the membership of the churches with the heroic services and sufferings of such men as Carey and Judson. What wonder is it that these young servants of God should anticipate great returns in the shortest time. The following

extract is from the journal of Mrs. Merrill, dated August 16, 1833:

"We have just received the long expected letter from the Missionary union as to our probable destination. We have bowed in thanksgiving to God, and now my soul is filled with the thought of God's willingness to make us instrumental in turning many to righteousness. Oh! if he will but show us his glory, the stout-hearted savages will by tens, by hundreds, yea by thousands, through the instrumentality of thy servant's preaching, sit at the redeemer's feet."

The real lights and shadows of the picture of these missionaries can be best seen by another brief extract from the Journal, of date June 26. The Missionary union had a great meeting in Boston, to give the missionaries a good send-off. The romance of missions was for Burmah, not for the Indian of North America.

Speeches were made, prayers were offered. Missionaries were on the platform, but no mention was made of the self-denying work to be undertaken by the two who were so soon to go among the wild men of the west, 200 miles beyond any white settlement. Listen to the note of the occasion in the diary of Mrs. Merrill. "In the evening the missionaries of Burmah were set apart to the work of missions. While that mission was mentioned in a pleasing light, and enlisted the feelings of christians in some measure as it ought, no mention was made of our Indian missions. My heart felt pained and tears flowed. But soon the thought that God knows our hearts and all the self-denial of the missionaries to the Indians, and will sustain, if we confide in him, and that it was not so much consequence to enlist the feelings of praying christians, as it is to have deeply rooted in us the true spirit of humility, self-denial and perseverance, which is needed when no christian friends behold, or no one sympathizes, but God. And I felt to rejoice in him, and in the contemplation of his work in which we might engage, if we had not the

public sympathy and pledges of prayer and alms, which were evident this interesting evening."

We now turn toward the record of their arrival at Shawanoe, Missouri, where they engaged in missionary work for the few months that intervened until they took up their residence at Bellevue.

It will be remembered that the cholera was abroad during the summer of 1833. Traveling was much affected by it. Our missionaries on their way to Shawanoe arrived in June, at Independence, Missouri, where they made a short stop. The journal will show how welcome they were: "Arrived at Independence landing. The people were afraid of us on account of cholera, and began to burn tar to keep off the infection." After resting, a merchant kindly offered his horse to me to ride the distance to the village. At Thirnoir tavern they refused our staying and the colored woman threw my chair after me into the bar room. Mr. Agnew kindly hunted a place for us or I suppose we should have found no shelter for the night."

"Shawanoe. We have moved into a house filled with fleas, and I am so weak, I know not how to clean it or how to prepare meals. We have had but one day's assistance in unpacking and arranging our articles and in cleaning a very dirty house. Mr. Merrill killed a rattlesnake in the house. We have seen a number of them around already. It takes a great deal of time to secure food. We have to hunt for it and bring it a distance, and have no cellar, and the heat is intense. But one thing is certain that the Indians will not be converted without the preached gospel. And it must be given them line upon line and precept upon precept. Constant effort may reach them."

The first experience in teaching these Indians is very picturesque. "August 4, 1833, Sabbath evening; Mr. Merrill has gone today to visit the Delawares, and we had permission from the chief to commence a Sunday

school today; the first attempt of the kind in this place. I had no way of conveyance but to walk. I set out, and while following a foot-path, or pony path, I passed over a very broken road, pushing the bushes from my face. When I heard any stir, I gazed to see if it were not a rattle snake, for they are numerous here. I came to a creek and after searching found a place to pass, and did not wet my feet. A little farther on, came to a marsh, and here I must walk in the muddy water or give up my school. I lifted my heart for direction, and went on. Kept on my muddy stockings until they dried. After walking what they call a mile and a half, came to the cabins of the Indians. I called at the houses until I arrived at the chief's. I showed them the letters and cards, and some picture books I had, and a slate with the eight notes marked on it in the usual form. They were afraid to try to sound them before the chief, and I took eight of them down to a little brook. After seating them as I wished, on a log, I began. They hesitated. At last I told them that the one that would say Faw first should have some of my dinner, which I showed them. A little one 3 years old said it, and the rest soon followed and learned well.

"Saturday, August 10.—The past week we opened our day school with seven scholars. The second day we had eight. They are very wild. Some of them had nothing on but a shirt.

"Sabbath—This morning Mr. Merrill and myself walked to the Indian village. At his suggestion I wore a pair of his boots. We succeeded in gathering fourteen children to teach. Some more came within hearing, but were so wild they dare not come nearer. We were pleased with our success. Oh, how dark it is in these abodes. No Sabbath dawns on them. The men, most of them, were out racing horses or gambling or hunting, and the women were at their work. Friday (today) we had eighteen scholars. I gave those who had been a week some clothing. They appeared very happy as they ex-

changed their ragged, filthy garments for new ones. Could our friends have witnessed the satisfaction I have had this day in seeing these dear children comfortable and clean once they would be willing still to contribute to their welfare."

The decision having been reached that a mission was to be undertaken at Bellevue, Mr. Merrill and a missionary teacher, Mr. Ira D. Blanchard, who afterwards taught among the Delawares, undertook to explore the way so as to know better about the field, and how to move to it the missionary family. With a guide they set out September 5 for Bellevue. On the 5th they traveled thirty miles, on the 6th twenty-four miles, on the 7th twelve miles, on the 8th fourteen miles, on the 9th fourteen miles, on the 10th ten miles, on the 11th thirteen miles, on the 12th fourteen miles, on the 13th five miles, on the 14th eleven miles, and Mr. Merrill was thrown from his horse but not badly injured, on the 15th twenty miles, on the 16th thirty-five miles to the Otoe village.

On the 17th day they crossed the Platte river opposite the Otoe village. Here Mr. Merrill came near ending his mission by drowning, but was rescued, though he had to ride all day in wet clothes.

On the eighteenth day they rode to the agency and were kindly received at the trading post by Major Pilcher. Mr. Merrill's horse was this day bitten by a rattlesnake, and had to be laid up for a cure.

Here a sight of the wildest sort greeted him. The Indians were present in large bodies, and several tribes, making a treaty with the government through Major Ellsworth. On the 21st of the month the treaty was signed, presents were given and the savages led off in the wildest kind of a buffalo dance. Surely these missionaries saw enough work laid out before them here. To civilize and Christianize these savages was an ambition hard to exceed. The return journey began September 21 and ended October 2. Repeated consultations and uncer-

tainty as to what was best detained the missionaries at Shawanoe, until October 26. Meantime Miss Cynthia Brown, a young lady who had been at the Sault Ste. Marie mission, arrived at Shawanoe. It seemed best to her to go to the Otoes, and so on the day named the party of four missionaries, Mr. and Mrs. Merrill, Miss Cynthia Brown and Mr. Ira D. Blanchard, after many delays and disappointments as to starting, got under way. The day previous, while at prayer that the Lord would prosper them, the long delayed team came up. The goods were loaded onto this wagon, and the whole party now numbered six, including two men more, one as teamster and another as guide. On the 27th they passed the day at the Methodist Episcopal mission of the Delaware's, with Rev. Mr. Dunlap. On the 28th they followed the dividing line between the Missouri and Kansas rivers. On the 29th they came near being surrounded with prairie fires. On the 30th the guide lost his reckoning and the whole party came to a standstill. The guide, Mr. Lewis, and all the party were in great perplexity.

We pass over the first few days of the journey toward the new mission home in Nebraska at Bellevue. Our extract from Mrs. Merrill's journal begins with:

November 3, 1833—Sabbath morning; read and prayed. In the evening had a conference meeting. Had been very unwell, and in the fatigue of preparing meals could not enjoy it.

November 10—Lord's day. Have been on allowance some days. We travel but a few miles all day. Tonight I prepared the last bread, mixing half bran with the flour. While doing it the wind was so high that the dust from the prairie on which we encamped was mixed with it. While kneading it I thought of dear friends.

November 11—The men complained of exhaustion and as we do not know as we have pursued a right course, some propose that one of the company should go and prospect. Mr. Merrill suggested the killing of a little calf

we had, which was done. After the meal from it without bread or sauce, the men began cheerful conversation, which had not been had before for some time.

November 12—Today came seven miles, traveled till dark and began to think of lying down on the prairie without food, wood or water. While at prayer we heard the voice of our guide. We started on and after some time arrived where there was a little brush. The men began roasting meat on a stick, as there was no hope of cooking enough for all otherwise. I ate a little half-fried liver, and retired very cold. Have had high winds and cold weather for some days. We had, previous to this time, generally crossed about three streams a day. We dreaded to see so many to bridge. We now knew not which to choose. The deer could be seen now and then skipping over the vast prairies, but so wild that our men could not kill them. Surely we never knew how to pity the poor Indian as we do now. Our clothes have become very dirty, and still day after day our journey is prolonged. Our men are discouraged and proceed very slowly. I have never felt the need of patience more, that I might not wound the dear missionary cause. My eyes have been much affected by the dust, and smoke and ashes. We had labored before we started to prepare all the food we could, but, for want of an oven, we have had to cook much on the way. Now we have none of that food left.

November 13—Our guide does not know where we are. Mr. Merrill thinks it best for him to go on to a piece of timber ahead and see; so we halted, after they had bridged a stream and come one mile. Here we were, in the dry prairie, with the cattle; the men complaining and exhausted; and dispirited ourselves. The traders say it is very hard to civilize an Indian; but it is very easy for white men to become Indians in habits and manners. The oxen, the men said, could hold out but a little while longer. We had a season of prayer and felt to confide in God. The guide returned and told us we were about

four miles from the Platte river. The men took a little courage, and after crossing another stream we came to the bottoms of the Platte. After sunset the men were still urging on the cattle toward a point of timber about a half a mile distant, but suddenly we came to a small but deep stream. Our guide tried his pony but could not cross him, and with some difficulty got him back. After looking around they found some timber, and after bringing it discovered it would not do. Then Mr. Merrill pitched our tent and we retired supperless and cold. About the time we pitched the tent the wind arose extremely high, so that it pierced through what clothes we had and rendered us very uncomfortable. Mr. Merrill helped us (Miss Brown and myself) over the stream and we went to a fire where the men had encamped. Here we spent, in the absence of the men, a considerable part of the day in prayer and meditation. And though weak, I enjoyed my mind better than when called to so much labor in preparing food. In the morning we hope to cross the Platte. The men are preparing timber for a raft.

November 14—This morning the wind is so high that they think they cannot cross with a raft. Two of the men attempted to cross on a small raft and could not, so they came back and commenced making a canoe.

November 15—Here we are yet at the Platte. Today, about noon, they put in their canoe. After trying it they were unwilling that Mr. Merrill should accompany them. We went to see them set off and returned to pray for their safety and success. Sometimes the enemy would suggest that they would drown, and that we should perish with hunger where we are. We took our last allowance this morning and had about a saucerful left. What is before us we know not. We have been praying that the Lord would deliver us for the poor Otoe's sake, not that we are worthy of telling them the glad tidings of salvation. Oh, may what we have suffered and are suffering

on our journey be sanctified to me, and so prepare me for the work of missions. Our prayer has been, while here, that the Lord may send many more devoted missionaries into the field, and that our brethren, who are surrounded by every blessing, may pray more for the missionary and for the heathen.

November 17, Lord's Day—We have had a good day. Surely, it is good to draw near to God and to feast on immortal food, if the food of this life fails. Last night the man who is with us said he would go and see if he could kill a prairie hen. As he had not taken anything on our way, I had little hope of it. After he was gone we had a season of prayer again, and he soon returned with one. I felt ashamed of my unbelief. We cooked it and felt some relieved from faintness, and retired. Mr. Merrill saved his portion for morning. Today we have been able to plead the promises with strong confidence. I feel my mind stayed on God in a peculiar manner. I can say, like Manoah's wife, if he meant to kill us he would not have showed us these things. "Though he slay me, yet will I trust in him."

Evening—One of the men returned with some provisions, but in crossing a stream he lost the ham of venison. Our first meal consisted of corn bread made of unsifted meal with a small portion of butter. This was a sweet repast. From what we learn by the men we think the Lord may have been preparing us to relish coarse fare. They engaged a little poor pork, which will be here tomorrow. Since we arrived here we have had no rain, for which we feel very thankful. On the first of our journey we had one week's rainy weather. We crossed the Platte, a very dangerous stream, in safety, to our great joy. We came within four miles of Bellevue, and at dark came to another stream, which could not be crossed. Again we must encamp without fire, in the extreme cold, or walk the distance named. We concluded to walk. After crossing the stream they proposed my riding a

pony, which one of the men had brought down. I had ridden but a small distance when we came to a very steep hill. There being only a foot path the pony took fright and jumped from the path and threw me backwards. Fortunately my limbs were whole and we walked on. We came to the house which we now occupy. No comfortable bed was in readiness for us, and we suffered much with the cold. Miss Brown sat up most of the night.

November 18, 1833—Here we are this morning. But oh! what a place. Piles of dirt are in the room, which they say the rats have brought in. The house is an old log one, and extremely dirty. Water is a great distance off. Soap is scarce. Help is scarce; corn and wood are also scarce. We are exhausted with fatigue, and exposure, and abstinence. Afternoon. Our goods arrived, and they are wet from having fallen into the stream at the last crossing."

Surely these missionaries were having experience of hardship, and suffering, and inconvenience. The getting to the field was indeed but a preparation fitting them to take the like experiences which were to constitute so much of their after life here with greater patience. These missionaries set themselves at once at the work of getting settled in their cabin. Then they visited each of the families (mostly French and Indian), and on the seventh day after their arrival they opened a school for the children. This was taught by Mrs. Merrill. Mr. Merrill diligently set about making the acquaintance of the Otoes, who were scattered in lodges at a distance of twenty-five miles or so away from the hamlet of Bellevue. As no interpreter could be had, the difficulty of learning the language was very much increased.

To these comers so late in the season there were many unusual hardships. But as there is no sauce like hunger, so there is no joy like self-sacrifice. We give a view of life as it looked to these missionaries after the lapse of half a year.

"Six months have gone since we arrived at this place. Some account of matters relating to labors at this station and of the customs of the Indians, far removed from white settlements, will, I trust be interesting to you and to your readers, who desire that all the heathen may soon be driven to Christ for his inheritance. The school, which was opened the seventh day after our arrival, has been continued without intermission. It is taught by Mrs. Merrill. The children are constant in their attendance. Several of the Indian families, however, residing here are not stationary. And their children come and go with their parents. Of those that are stationary, four are reading in easy lessons. Three can write their names intelligibly. The children are small. Instead of the Indian songs, our ears are now frequently greeted with the songs of Zion, sung by the children alone. A Sabbath school has been in operation from the first Sabbath of our residence here. On the second Sabbath I commenced a Bible class. You are aware perhaps, that there are a few American and French people at this place in the employment of the government. Two of this class now give evidence of being born of the spirit of God. One of these, a youth of twelve years was baptised on the 20th of April. The other is a boy of 8 years. Our hearts are greatly cheered by this visitation of grace. We receive it as a pledge that the holy spirit will in due time make effectual our feeble efforts in behalf of the souls of these heathen. My house has ever been open on the Sabbath for public worship. A few attended weekly with us. But this is a land of darkness and iniquity. The Sabbath, the Bible and the name of God are alike, by most treated with contempt. Many of the Indians have learned sufficient of our language to profane the name of God, their maker. For want of an English interpreter into the Oto language I have said little to the Indians. On this account, too, I suffer greatly in the study of the Oto language. My progress is slow. As the Indians come into the black-

smith shop for work, they call to see the school. I then sit down by them with my pen and ink, and endeavor to bring them into conversation on some particular subject. In the meantime I write their words and set down the English as nearly as I can. To correct these words, I am obliged to obtain two interpreters, a French and an English. Through these interpreters I have made several small translations of scripture, two hymns and two prayers. The last Sabbath, for the first time, I had some of the exercises in Oto, a few of the Otos being present. I hope to continue these exercises until the Indians go to their summer hunt which will be in three or four weeks. They will then be absent about three months. Two farms are to be provided for the Otos, and a grist mill is to be erected for them. Since the Otos have returned to their village from their winter's hunt, to plant corn, I have made them a visit. In going to the village there are two rivers to cross, besides two small streams. As I could find no company to the village on the 9th inst., I rode to the trading post, eighteen miles distant, hoping to obtain company. Here I found that several Oto men had just come in to trade and would return to the village the next day.

My journal of these seven days' visit I herewith transmit to you, ardently hoping it may be a means of stirring up the heart of my dear brethren to feel more deeply and to pray more fervently for the perishing heathen of our own land.

May 10, 1834—At 9 o'clock a. m. set out from the trading house for the Oto village, in company with six Oto men, all on horseback. The village is twenty-five miles distant, and two rivers are to be crossed. On coming to the first river the Indians put our saddles and baggage in an elk skin, drawn up by a cord around the border of it, partly in the form of a boat. This was put in the water and drawn across by two men. I was taken across in the same manner.

On our way we passed the remains of a human body. The chief of our party told me he was an Omaha man, killed two years ago by an Oto. As we drew near the second river, which is the Platte, we halted to let our horses feed and rest. Whilst here one of the Indians informed me that the Oto who killed the Omaha was present, and pointed him out to me. He was a young man and did not at all blush, but on the other hand he himself showed me ornaments upon his legs which he had taken from the Omaha Indian. This was done in time of peace. The Otos are a warlike tribe. I am informed that they have a feast of which those only are allowed to partake who have obtained the appellation of the brave by killing some human being. We came to the Platte at 4 p. m. This river is shallow but wide, being half a mile across. The greatest depth of water where we crossed was not more than five feet. The water is low for the season. Our saddles and baggage were taken over as before. I crossed on horseback. The bed of the river is sand and is constantly changing. A person in crossing, unless he is acquainted with the river and can judge accurately of the depth by the appearance of the water, is liable to plunge in deep water before he is aware. Eight months ago, while on an exploring tour, I paid a visit to this village. I came very near being drowned through the carelessness of my guide. We arrived at the village at 6 p. m. I was directed to the house of the principal chief. He was absent, but soon came in and welcomed me to his lodge. My horse was immediately unsaddled and taken care of by the wives of the chief. This house, which is among the largest of the village, is more than forty feet in diameter, and of a circular form. These houses are built of posts seven feet in length, set upright in the ground, upon which long poles are placed, reaching to the center of the roof, which is oval. These poles are supported by beams and posts. They are then covered with hay and earth. At the center is a small aperture for

the smoke to escape. These roofs are so flat that a person may walk over them with perfect safety. Throughout the day more or less Indians may be seen upon them, sitting and wrapped in their blankets or buffalo robes. The chief has been advised of my coming and of my object—namely, to see the Indians and to increase my knowledge of their manners, customs and language. I took with me no interpreter, consequently could say but little to them. An English interpreter for the Otos is not to be found in this part of the country. There are several French interpreters, but my ignorance of that language destroys their usefulness to me. I brought with me a translation of the creation, a few sentences upon the Savior, including his death, resurrection and ascension, a few sentences on the perfections of God and two prayers, besides a part of the ten commandments.

I now find myself in a heathen lodge containing thirty souls, all gazing upon me, and some trying to talk with me. The chief soon handed me a piece of bread made of pounded corn and beans, baked in the ashes. I would here remark that I was advised to take no provisions with me, as it would be immediately begged from me, and besides, if I refused to eat with the Indians I should give great offense. Shortly after eating the bread, I was invited out to eat by the second chief. The repast consisted simply of one dish of boiled buffalo meat without any article of food besides. (They rarely, if ever, provide more than one dish or kind of provision at a meal or feast). It was served up in a large wooden bowl, without knife or fork. We were all seated on the ground; a kind of cushion was placed for me to sit on, and the bowl was placed between me and the first chief, who had been invited with me. No others ate till we were done."

We continue in brief the visit of Mr. Merrill to the Otoe village.

May 11.—Passed most of the day at the house of the

most all of the translations I

and was angered at one of
he threatened her and reached
Some of the Indians seized him
in killing her. While I was there an
to the lodge and sang for something
rattle to keep time.

learning Oto words and sentences for-
ness, profanity and adultery. The Otos
aching. The agent, Major John Dough-
to their evil habits. He is now absent.
(medicine men) are curing a sick Iowa

I am invited again into the chief's lodge. I
with the translation. In the evening I ate
the chiefs. The young men to the number of
me to the lodge and gave what they called a
dance. It required to give, great exertion and
In the dead of night I was awakened by the
of some Indians who came to sing a song. Their
at midnight in an Indian encampment was rather
ing in its effect upon the only white man in the vil-
But they meant it as a compliment.

ay 17.—Today I concluded my visit to the Otos. I
ced Itan to return with me. He wished to know
at I would give him for going to see my house. After
ling that he could get nothing, he concluded to go.
he, together with an old man and a youth, set out with
me on my return. We crossed the Platte several miles
below the former place of crossing. We had to swim the
horses. We had three streams to cross, and carry our
saddles over. The water was from two to four feet deep.
The banks of the streams were steep and muddy. We
reached home at 9:30 p. m.

The name of Major Joshua Pilcher has been named as
connected with the post a few miles above Bellevue. I

append from him a letter to Mr. Merrill which will show the courtesy of the relations which subsisted between him and Mr. Merrill:

NEAR THE BLUFFS, Feb. 8, 1834.

Mr. Moses Merrill—SIR: Your letter under date of the 27th ultimo was received some days ago. I regret that my occupations have been such, when opportunities offered, of forwarding an acknowledgment; as to prevent me from doing, not only what was due to yourself, but to common courtesy. Your explanation, sir, is entirely satisfactory, and, as the cause has been removed, I, like yourself, beg leave to take back my expressions contained in my note which may have been grating to your feelings. Nothing is more foreign to my disposition than wantonly to injure the feelings of any human being, but that part of your note, which I found objectionable, touched a subject upon which for many causes, I am particularly sensitive, but it seems that I misunderstood it, and I am therefore desirous that the matter be buried in oblivion. Mrs. Merrill's kind remembrance has been gratefully received, and is most heartily reciprocated. While I thank you for the kind invitation to visit you (as I am in a manner alone, and the business of this post requires my constant attention) I am unable to promise myself that pleasure before spring; meantime, if it is in my power to serve you in any way, please command me without hesitation. The moment my express returns from below, which I hope will be tomorrow week; I will send down anything that the man may bring for you. In haste, I am dear sir, your obedient servant, JOSHUA PILCHER."

Major Pilcher was a man who had made himself as well acquainted with the far west as almost any man of his day. His letter shows him to be a scholar and gentleman. We append also another letter of an earlier date which shows some of the perplexities of the situation of these early settlers:

NEAR THE BLUFFS, December 26th, P. M., 1833.

Mr. Merrill,—DEAR SIR: I owe you an apology for having disappointed you respecting your letters, and am truly sorry that forgetfulness should be the best I can offer. I received, a short time ago, an order for some goods to be sent down to Nieshnabotona, without the least delay, which (having prepared my own letters) determined me to start my express on the 18th. I had plenty of time to have notified you, and should have done so with pleasure, or one of my men might have passed your house—but being hurried in putting up the goods, and embarrassed with Indians, I entirely forgot my promise to you. Such a thing seldom happens with me; but being entirely alone—though I have a good deal of leisure—there are moments and days when I am very much embarrassed. Having heard today that there has been an arrival at your place, and supposing that some of the party might return, I have thought it best to send down your letters. Meantime I doubt not that Major Morgan will forward anything that may be in his office for you, by my express. I shall send down again before long, and will forward anything for you with pleasure. If you should have to send back these letters, you may rely on their going by next express. Be pleased to inform me if a sub-agent has arrived; and his name. I wish to address him an official note on a matter of the utmost importance. One of my men was wantonly assassinated yesterday, and I wish to make some disposition of the unfortunate man who did it. I have him confined, it is true, but have no safe way of keeping him; meantime he is too dangerous to run at large. In haste, I am, dear sir, your obedient servant,

JOSHUA PILCHER.

The situation of the work of the mission is well set forth in the letter of Mr. Merrill, dated January 8, 1835, *Missionary Magazine*, Volume XV, page 225. "Thirteen months have passed since I arrived at Bellevue, the upper Missouri agency. Religious exercises in English, for the

benefit of the white residents, were commenced on the first Sabbath, and have been continued. A Sabbath school of nine children, most of them Indians, was commenced at the same time. It embraces all the children of the settlement. A Bible class of white adults was formed on the second Sabbath, consisting of six members. The exercises of this class have been, and still are, profitable to us. One member, a youth of 12 years, has given evidence of a change of heart, and was baptised in April. This youth holds on her way, although called to meet with much opposition from her nearest relatives. A day school, embracing the nine children above referred to, has been in constant operation. These children have been punctual in their attendance, and consequently have made good proficiency in reading, writing, spelling and singing. I have made several small translations on religious subjects, embracing hymns and prayers. My progress in the Oto language is slow, in consequence of not having a good interpreter.

During the last seven months I have occasionally had religious exercises in Oto on one part of the Sabbath. "My translation is well received by the Otos, particularly the hymns. I have recently visited three trading houses, two of which are more than 100 miles distant. The traders of these houses informed me that the Otos scarcely pass a night with them without singing the hymns which they had learned at the mission house. I have visited the Otos at their village, and at their hunting ground, and am uniformly well received. The chiefs are among the most friendly, particularly the first chief, who, in some instances, as I was informed by a trader, has called the children around him and led in singing the hymns.

"These are some of the most favorable things connected with this mission. There is also a dark side, which at times rises up and threatens ruin to all that is good. The Indians are excessively fond of ardent spirits; and notwithstanding the laws of our land to the contrary, they

are plentifully supplied. They take their best furs on horses 100 miles, and pay an extravagant price for their liquor. At the same time they are begging for food and complaining of starvation. Their drunkenness leads to contention, and sometimes to murder. At these seasons (and they occur often) it is unsafe to be with them without an interpreter. These Indians exchange not only their furs for liquor, but also their horses, guns and blankets. In view of the obstacles before us and our own weakness, the mission family have usually set apart the morning of every other Saturday for fasting and prayer. When ready to faint these seasons have been greatly blessed to us, so that we have taken fresh courage to press onward. Arrangements have been commenced with the government of the United States, with the prospect of success, which, it is believed, will greatly facilitate our labors among the Otos, and for the establishment of a separate mission among the Omahas with similar facilities. "Our books are printed in Oto, on the new system. A favorable change in the habits of these Indians, we trust, will be promoted by some recent government arrangements by which these tribes are invited to locate on lands favorable to agriculture and to accept of assistance in farming. The sum of \$1,000 has been appropriated by the Baptist board of the missionary union for the erection of buildings among the Otos this spring."

With the idea that his work could be broadened out for the benefit of the Otoes, Mr. Merrill consulted with the agent, Major Dougherty, with reference to taking an appointment from the government as school teacher. By this means he could acquire more influence with the Indians, and at the same time relieve the Missionary union of a portion of its burden, at least, in his support. Major Dougherty was prompt in his application to the government, and the appointment was made April 1, 1835. I copy here the agreement as a matter of history. This

was the first school, and he was the first school teacher in Nebraska:

"Article of agreement made and concluded at Bellevue, the 1st day of April, 1835, by and between John Dougherty, Indian agent, of the first part, and Moses Merrill of the second part, witnesseth:

"First—That the said Moses Merrill of the second part for and in consideration of the covenants and agreements hereafter stipulated, promises and agrees by these presents to perform the duties of schoolmaster for the youth of both sexes of the Otoe and Missouri tribes of Indians, diligently and faithfully, and to transmit previous to the 20th of October of each year during the period he shall be so employed, a detailed report of the number of pupils under his instruction, their ages, sexes, studies and progress, accompanied by an account with vouchers, for the expenditure of the moneys received by him from the government.

"Second—And that the said John Dougherty, of the first part, for and in behalf of the United States, guarantees to the said Moses Merrill of the second part, as a full compensation for his services the sum of \$500 per annum, commencing this day and date, to be paid quarter-yearly, or as funds may be on hand for that purpose, by one of the military disbursing agents of the department, with the St. Louis superintendency, on the certificate as requested of the agent or sub-agent, setting forth the due performance of the first article of the agreement. It is mutually agreed upon that the right is reserved to the agent to dismiss the party of the first part for disobedience of orders, intemperance or lack of diligence in the discharge of his duties; and that the party shall have no claim to any compensation after the period of such dismissal. In testimony whereof the parties have hereunto affixed their hands and seals the day and year first above written. [SEAL]


"JOHN DOUGHERTY, Agent.

[SEAL] "MOSES MERRILL.

"H. DOUGHERTY, Witness."

At Bellevue at this time the population consisted of two Americans besides the mission family; and three families of French, Otoe, Omaha and Pawnee parentage. There were also several adult Omahas and Pawnees. The agent had been in consultation with Mr. Merrill with reference to settling the Otoes and Missouris on the north side of the Platte and having them put up houses there. Mr. Merrill was in negotiation with the mission board with reference to the construction of buildings at the same point, suitable for the work that needed to be done. In order to show the spirit of the board in the matter of the erection of the buildings, I give a letter from the corresponding secretary, Rev. Dr. Lucius Bolles:

*"Mr. Johnston Lykens, Shawanoe Baptist Missionary Rooms, Boston, Mass., Feb. 4, 1835—*DEAR SIR: We lately received a letter from Mr. McCoy of Shawanoe Mission, dated Dec. 25th proposing an enlargement of expenditure at the station among the Otos, to a sum not exceeding one thousand dollars. Before that arrived, the board had authorized an expenditure of five hundred dollars, and subsequently, on further advices, had written Mr. Meeker of Shawanoe Mission, (so as to meet him at Cincinnati) giving liberty to him to draw and expend for Mr. Merrill in building material, as glass, nails, hinges, etc., one hundred dollars making six hundred dollars, which have already been appropriated to the work. To add *four* hundred dollars more would be swelling the expenditure at the Oto station to a heavy sum, although we have confidence in Mr. Merrill, that he wishes to do everything for the best, yet when so much is to be laid out, and when advice from a fellow-missionary can be had, we think proper to avail of it. I have, therefore, to request you on receipt of this, to visit Oto station, and, in conjunction with Mr. Merrill, advise as to the location and character of the buildings to be put up, the terms of their erection, etc., so that the best practicable expenditure may be made of our funds. And provided he and you, in making the contracts shall think



it the best economy to put in *brick* or *stone* chimneys, and shall find it actually necessary to supply in all *one thousand dollars*, then Mr. Merrill may draw on our treasurer for the four hundred, over and above the five he has already liberty for, and the one hundred which Mr. Meeker is authorized to draw at Cincinnati, thus completing the entire amount. I am, affectionately yours.

LUCIUS BOLLES.

Rev. Moses Merrill.—DEAR SIR: On the opposite page you have the copy of a letter I have just dispatched to Mr. Lykens, and of which it appears proper to apprise you. You will not proceed to expend the sum of \$1,000 or more than \$600, without the advice of Mr. Lykens, as above. In regard to Mr. Meeker, I have written to him at Cincinnati, authorizing him to draw for you \$100, depending on you to give him orders as to the articles he shall procure with it. In Mr. Lykens' letter I have mentioned certain articles, only as expressive to him of what we supposed you would wish, and not because we had given him orders to procure them. With affection, yours,

L. BOLLES,

Corresponding Secretary.

Wrestling with the problems of discomfort, want of congenial social surroundings, hunger, the acquiring of a new language, gaining the confidence of the savage, locating them in the village, doing a large part of the work of the mostly absent agent, and erecting buildings, together with preaching and teaching; this was truly a busy life. During the summer of 1834 the Otoe Hymn Book was published. *The first book published for Nebraska.* Of this little pamphlet of fourteen pages, including the cover, only a few copies are in existence. We give here the third page, which is the alphabet as used in translating the English into Otoe. We also add a few words as to general information regarding the language and the publications in it.

In 1887 the bureau of ethnology of the Smithsonian

institution published a bibliography of the Sioux languages. In the introduction it is said: "The earliest record of the Sioux languages mentioned herein is the vocabulary of Hennepin, compiled about 1680. The earliest printed vocabulary is that of the Naudowessi, in 'Carver's Travels,' first published in 1778. The earliest text is the Winnebago Prayer Book of Mazzuchelli, published in Detroit in 1833, followed, in 1834, by the Otoe Hymn Book of Merrill and the Osage First Book of Montgomery and Requa."

It will be seen that the publication in Otoe was almost the first one in the great Sioux family of languages. I append here a copy of this first hymn, from the Hymn Book published in 1834 at the Shawanoe Mission; J. Meeker, printer:

EVA WDHONETL.

Plkand.—L. M.—Wdkuntl.

- | | |
|---------------------------------|-----------------------------|
| 1. Wd kun tl mlk je ti me nuk. | 2. Wd je ka pro ka 1 tl ka. |
| Ml eu uk ew ig a of ka. | Uk ew ig a e wd hwf ik. |
| Ml eu pro ka a tv ik a. | E ca tv a wo klg wk a. |
| Wd kun tl wd hwd tus ko ne. | Wd kun tle el mu tl me nuk. |
| • | |
| 3. Wd je ka woj kum pe krl hek. | |
| Wd je ka pro ka pe kon tlk. | |
| Wd je ka woj kum pe ca ka. | |
| Nl ce mlk je ln en kra ka. | |

The pamphlet of the Smithsonian institute also gives a list of the authors and their references, or fuller treatise, in the Otoe tongue. Edwin James, botanist and geologist with Major Long's exploring party, has written something of a general discussion of the tribe, also given their system of numerals. L. H. Morgan has contributed to a knowledge of their gentes, relationships and vocabulary. The Rev. J. O. Dorsey has given their legends, letters, personal names and stories. Rev. P. J. Smet, of the Society of the Jesuits, has published their numerals, and some of their personal names. Catlin has also given some of their

personal names. So, also, has W. H. Jackson. The Prince of Wied has just published a number of personal names with a vocabulary. Rev. H. A. Guthrie gives some pages to the discussion of their relationships. A. Balbi, A. Gallatin, F. V. Hayden, T. Say, furnish vocabularies. We would especially mention the work of the Rev. J. O. Dorsey, who has furnished to the library of the Bureau of Ethnology a manuscript of 1,000 pp. folio, consisting of myths, stories and letters, with interlinear translations, explanatory notes, a dictionary of 9,000 words, and a grammar of the Iowa, Otoe and Missouri dialects.

It would appear from this enumeration that there is no paucity of material for a complete understanding of this language.

THE POLITICAL AND CONSTITUTIONAL DEVELOPMENT OF NEBRASKA.

By Victor Rosewater, A. M., originally published in the souvenir edition of the Omaha Bee, March 1, 1892.

On March 1, 1867, Nebraska was admitted into the union upon equal footing with the original commonwealths of the United States. While entering upon the second quarter century of statehood, it will not be amiss to look back upon her past career and to seek to discover how she attained her present political and constitutional position. Governments may be created, but institutions grow; the roots must be sought far beneath the trunk. An outline of the political and constitutional genesis of Nebraska must, I take it, begin almost as far back as the discovery

of America. The reception of Nebraska into the union as a commonwealth can only be regarded as the turning point in a process of political evolution, not as its beginning. And no one of the forty-four commonwealths now comprised within the United States has passed under more forms of government or involved more points of constitutional law in its short history than this. It is true that the first permanent white settlement within her boundaries was not made until 1847, and that in the sense of a people organized within a given territory no commonwealth can be said to have existed before 1867, yet it is nevertheless important to trace the changes in the constitution of those governmental authorities which have successively exercised control over the land itself.

With the realization of the importance of the discovery of America, all the leading European powers, true to the commercial policy of the time, laid claims to exclusive sovereignty over all or portions of the new continent. Their rights as against those of the aborigines did not trouble them; they assumed it to be their duty to carry the torch of civilization to all parts of the less civilized world. Their rights as against those of one another occasioned more difficulty and the theories advanced to justify the various claims were irreconcilable. The pope, as representative of God on earth, issued a bill appropriating the whole western hemisphere to the Catholic majesty of Spain. England and France based their claims upon the right of discovery and exploration. The smaller states rested upon still a third theory, namely, the rights given by occupation and settlement. It was soon seen that the last was the only true basis for acquiring dominion over new lands, and in reality the claims of all the powers were finally settled accordingly. In this division of spoils, that part of the continent now included within the boundaries of Nebraska was secured by France as part of the province of Louisiana. If we inquire into the constitutional form of the French state at that time

we will find that while the people were probably conscious of their own sovereignty, the only political organization was in the absolute monarchy, the monarch exercising unlimited governmental power.* The exercise of sovereignty over Louisiana was thus vested in the French monarch alone and any person settling in that province would have no political or legal rights other than the French king chose to confer. The transfer of that territory to Spain by the secret treaty of Paris, signed November 3, 1762, merely moved the center of government from Versailles to Madrid. The Spanish state resembled France in political organization and the control of the province continued to reside in the monarch. The treaty of cession, it is important to note, has never been published, so that if any definition of the boundaries was attempted, it was not known to other powers.†

By the treaty of San Ildefonso, October 1, 1800, Spain receded Louisiana to France without definitely describing it except by reference to the document of 1762.‡ France was no longer under monarchy; Napoleon was at the head of affairs as first consul. For the first time, the domain now included within Nebraska came under a constitutional form of government. But for the moment this change was only nominal. The United States viewed with concern the treaty which made powerful France its neighbor on the west in place of impotent Spain. Commissioners, duly appointed by President Jefferson, finally came to an understanding with the representatives of Napoleon which resulted in the acquisition of Louisiana by the United States. Actual possession of the territory had never passed from Spain. As a consequence, the de facto government was transferred directly from Spain to the United States.

The treaty ceding Louisiana was ratified by the United

* Burgess' *Political Science and Comparative Constitutional Law*, Vol. 1, p. 127.

† Dettgardner, *Histoire general de Traites de Paix*, Vol. IV, p. 200.

‡ Cantello, p. 682.

States, October 21, 1803.* It provides for the cession of "the colony or province of Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it and such as it should be after the treaties subsequently entered into between Spain and other states." The extent of the territory is thus in no way defined even by reference to preceding treaties, except as to the eastern boundary. In this grant was included the present territory of the state of Nebraska, although a cloud may possibly still have rested upon the title to the extreme western portion. The treaty includes several stipulations in regard to the resident population. "The inhabitants of the ceded territory shall be incorporated into the union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and, in the meantime, maintained and protected in the free enjoyment of their liberty, property and the religion which they profess." The United States further agreed to execute existing treaties between Spain and the Indians until dissolved by mutual consent, and also to confer certain exclusive advantages upon French and Spanish ships for a period of twelve years. As compensation for this great sacrifice on the part of Napoleon, a separate convention provided for the payment by the United States of 60,000,000 francs as well as the claims of our citizens for debts due from French citizens to the amount of 20,000,000 francs, and it also stipulated the manner in which bonds for the payment of the same were to be executed.†

The scruples of Jefferson as to the constitutionality of the treaty were awakened even before it was sent to the senate for ratification. The only clause in the federal constitution upon which the transaction could possibly rest

* *Treaties and Conventions of the United States*, p. 331.

† *Treaties and Conventions of the United States*, p. 334.

was that granting the executive the treaty-making power.* If territory could be purchased by treaty, there would be no logical limit whatever to the power. The president and senate might, by treaty, bind the nation to any proposition when there might be no possibility of getting the house of representatives to assent, and such a treaty would be the supreme law of the land.† Jefferson saw all this and went so far as to draw up a constitutional amendment to legalize the arrangement, but finally took the confirmation of the treaty by the senate and the appropriation by congress of the money agreed upon as approval of his course and let the matter rest.‡ The purchase of Louisiana, though legitimate and necessary, was one of the greatest stretches of constitutional interpretation that has ever taken place. Its justification lies in this fact and in this alone; that the state was compelled to attain its natural geographical boundaries. Whether or not we adhere to any doctrine of inherent and inalienable natural rights of individual man, we may subscribe to the theory of natural rights of the state. A most apt formulation of this theory was made by Gallatin at this very time. He wrote: "To me it would appear that the United States as a nation have an inherent right to acquire territory; that whenever that acquisition is by treaty, the same constituted authorities in whom the treaty-making power is vested have a constitutional right to sanction the acquisition."§ The constitutionality of the purchase of Louisiana has been repeatedly confirmed both in courts and by subsequent exercises of the same power under similar circumstances. It is folly to deny it now.

Having attached Louisiana to the United States, the next question which arose was that of its status and relation to the central government. The matter was widely discussed in congress and out of congress, and occasioned

* United States Constitution, Art. II, Sec. 2.

† United States Constitution, Art. VI.

‡ Adams' History of the United States, Vol. II, p. 88.

§ Gallatin to Jefferson, Jan. 3, 1803; see writings of Albert Gallatin, Vol. I, p. 112.

no little controversy. To settle the points in dispute, three paths were open.* First: A constitutional amendment might be adopted, admitting Louisiana and extending the powers of congress over it as they applied to existing federal territory. Secondly: Congress might assume Louisiana to be assimilated to the old territory and to be disposed of in the same manner. Lastly: Congress might hold it apart as a peculiar estate and govern it subject to treaty stipulations by an undefined power implied in the right to acquire. The arrangements actually made show that the second plan was the one really acted upon. Nevertheless the supreme court declared fifty years later that the third was the true theory; for Chief Justice Taney asserts in his opinion upon the Dred Scott case that the article in the constitution giving congress general power over the territories "is confined and was intended to be confined to the territory which at that time belonged to and was claimed by the United States," and that the power of congress over Louisiana stands firmly as "the inevitable consequence of the right to acquire territory."† Be these later developments as they may, congress placed Louisiana in the same category as the existing territories; what we are alone concerned with is the actual status and consequent disposition of that part of the domain since erected into the state of Nebraska.

There was only one valid precedent for congress to follow in the exercise of the power to make all needful rules and regulations respecting the territory belonging to the United States. The ordinance issued by the confederacy in 1787 was re-enacted during the first session of the first congress and was the basis of nearly all the subsequent legislation for the territories.‡ It not only outlined a form of government, but also established a statutory domain of civil liberty for the territorial inhabitants. In brief, it vests the executive power in a governor and secretary

* Adams' History of the United States, Vol. II, p. 116.

† Scott vs. Sanford, 19 Howard, 393.

‡ Poore's Constitutions, p. 429.

appointed by the president for three and four years respectively; the judicial power in a court of three judges, likewise appointed for terms of good behavior; the legislative power in a general assembly consisting of two houses, the representatives elected by the people, the councils of five persons appointed for terms of five years by the president from a list of ten nominated by the representatives. Until a population of 5,000 was attained, however, the presidential appointees were also to exercise the legislative power. In order to extend the fundamental principles of civil and religious liberty, it ordains six articles as "a compact between the original states and the people and states in the said territory and forever to remain unalterable unless by common consent." These articles provided for freedom of religious worship, for the benefits of common law procedure, for the encouragement of schools, for inseparable connection with the union, for admission as commonwealths as soon as a sufficient population should be secured, and, finally, for the prohibition of slavery. Now the ordinance of 1787 did not apply to Louisiana and hence was never applied to Nebraska, but its influence can be discerned in every act of congressional legislation dealing with the organization of the territories. We shall see how far it affected Nebraska as we continue.

In order to secure the advantages for which the people had paid the purchase price of Louisiana, congress was now forced to adopt some specific measure. The first attempt was the law of October 13, 1803,* authorizing the president to take possession of the ceded territory and providing that all the military, civil and judicial powers exercised by the then existing government be vested temporarily in such person or persons as the president of the United States should direct for maintaining and protecting the inhabitants of Louisiana in the enjoyment of their liberty, property and religion. Congress virtually dele-

* United States Statutes at large, Vol. II, p. 245.

gated all their power to the president; they simply put the president in the place formerly occupied by the king of Spain; they erected a government which Benton correctly criticised as "despotic."* The statute did not long endure, but the next step marks but little improvement.

Further action was taken by congress before adjournment and an act passed March 26, 1804, dividing Louisiana into two territories.† That part lying west of the Mississippi and north of the 33d degree north latitude was comprised in the District of Louisiana and brought for the purposes of government under the officers of Indiana territory, whose governor and judges were to make all laws, subject, however, to the approval of congress. The only limitations imposed were that no law inconsistent with the constitution or laws of the United States be held valid; that no restriction be laid on individual exercise of religion, and that jury trials be allowed in all criminal cases and, if desired, in civil suits involving \$100. Two courts were to be held annually in the district, but even the officers of the militia were to be appointed by the governor or the president. The inhabitants were subjected to almost all the evils of absentee government. Fortunately the act ceased by limitation after a year and was superseded by a new law, March 3, 1805.‡ Yet it too, made little change other than providing a separate staff of officers for the territory of Louisiana as it was now officially called. The officers were all appointed by the president, the governor for three years, the secretary and the judges for four years, while the legislative power was given to the governor and judges or a majority of them. The same provisos for civil liberty were repeated.

The admission of Louisiana into the union in 1812 compelled congress to find another appellation for the territory of that name. This was effected by the law of June

* Adams' History of the United States, Vol. II, p. 116.

† U. S. Statutes at large, vol. ii., p. 283.

‡ U. S. Statutes at large, vol. ii., p. 331.

4, 1812, entitled an act to provide for the temporary government of the territory of Missouri.* At the same time the whole frame of government was changed. The executive and judicial departments remained constituted as before, but the legislative power was now vested in a general assembly consisting of two houses and the governor. The latter formed a co-ordinate branch of the legislature, his assent being necessary for the validity of every legislative act. The representatives were to be chosen for two years in proportion to the number of free white male inhabitants and elected by such of that number as were over twenty-one years of age. The legislative council was to consist of nine members appointed for five years by the president from persons selected to twice that number by the lower house. The qualifications for membership in each branch are prescribed, the sessions to be annual, and each house to have control of its members and proceedings. The citizens are, moreover, given the right to select a delegate to represent them in congress. A domain of civil liberty is explicitly established in a detailed bill of rights which declares that the people are entitled to proportionate representation in the assembly, to common law procedure, to jury trials, to full compensation for property or services required for public uses, prohibits ex post facto laws and laws impairing the obligation of contracts, and insists upon freedom of religious worship and the encouragement of schools. We have here a practical grant of representative government. It is not completely representative, because every law requires the unqualified assent of the governor, who in reality is a mere agent of the central government. The act was amended in 1816 to make the legislative sessions biennial, but otherwise remained in force until after the Missouri compromise.† In 1819 the boundaries were contracted by an act placing all that part of the territory

* U. S. Statutes at large, vol. ii., p. 743.

† U. S. Statutes at large, vol. iii., p. 328.

south of a line drawn from the Missouri river along 36° north latitude to the river St. Francis, thence up that river to 36° 30 minutes, and then west to the western limits, under a separate government for Arkansas territory.*

In 1820 came the famous enabling act which cut off for the state of Missouri that portion of the territory east of the meridian passing through the mouth of the Kansas river where it empties into the Missouri, and south of the parallel of latitude, thence east to the falls of the Des Moines river, and a line following that river thence to its mouth in the Mississippi.† The northwestern boundary of Missouri was later corrected to its present status. The eighth section contains "the compromise," and has a direct bearing upon the territory now comprised in Nebraska. It enacts that "in all that territory ceded by France to the United States under the name of Louisiana which lies north of 36° 30 minutes north latitude, not included within the state contemplated by the act, slavery and involuntary servitude otherwise than in the punishment of crime, whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited." Little need be said here concerning this clause. It was in 1856 declared by the United States supreme court to be unconstitutional and void, but until so declared it had exercised all the influence of a perfectly legal enactment. This act left that part of Missouri territory not included in the commonwealth in an unorganized condition and without provision for local government of any kind whatever. The governmental power was for the time retained in congress itself.

The next change in boundary occurred in 1834 when that part of the territory lying north of the north line of the state of Missouri river and the White Earth river from its junction with the former was attached to the ter-

* U. S. Statutes at large, vol. iii., p. 545.

† U. S. Statutes at large, vol., iii, p. 545.

ritory of Michigan.* The western boundary of the territory of the United States had never been acceptably defined, a considerable margin of country being disputed by both Mexico and the United States. This dispute, so far as it might have trenched upon our title to western Nebraska, was finally settled by the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848, by which the southern and western boundaries of the United States were defined practically as they stand today with the exception of the strip known as the Gadsden purchase.† No further legislation affected the constitutional development of Nebraska until the passage of the Kansas-Nebraska bill.

At the beginning of the second session of the Thirty-third congress, Representative Dodge of Iowa introduced a bill for the organization of the territory of Nebraska. It was simply a copy of the bill for the same purpose which had passed the house during the previous session and its provisions did not differ from those of other similar bills. Nor was the question novel; the matter had occupied the attention of congress as early as 1844 and again in 1845, 1848 and 1853.‡ The bill went the usual round of congressional legislation, but when reported to the senate by Senator Douglas, from the committee on territories, it had been considerably altered. It still provided for the organization of but one territory under the name of Nebraska, but in the twenty-first section Douglas advanced his new theory of squatter sovereignty. It asserted the principle that all questions relating to slavery should be left to the decision of the people residing in the territory, to have been already established by the compromise of 1850. The whole controversy centered in this clause. In January, the bill was recast by the senate committee on territories and the former twenty-one sections grew to forty in number. Instead of one territory, it now con-

* U. S. Statutes at large, vol. iv., p. 701.

† Treaties and conventions of the U. S., p. 681.

‡ See Von Holst, vol. iii., p. 282 et seq.

templated two, the southern to be called Kansas, the northern Nebraska. The opposition claimed that doubling the expense of a costly territorial government was entirely unnecessary and unwarranted by the existing population. And when it was asserted that several thousand people were already residents of the northern territory, the retort was that, if so, they were there in defiance of the law of 1834, which prohibited all except licensed traders from going into the Indian country. Of the fourteenth section, Von Holst declares that "so far as it treated of slavery, [it] was, from the first to the last, constitutionally and politically a fraud, the ulterior consequence of which brought the union and slavery face to face with the question of existence in such a way that the conflict of interests and principles could no longer find final settlement in words, but was forced to seek it in deeds."*

Yet, notwithstanding a bitter opposition, the Nebrascals came out victorious and the bill became a law by approval of the president May 30, 1854.† What were the provisions? Only the first eighteen sections refer to the territory of Nebraska, which is made to cover the domain included between 40° and 49° north latitude, bounded on the west by the summit of the Rocky mountains and on the east by the line of the boundary of the territory of Minnesota as far as the Missouri river, thence southward "down the main channel of said river." The executive power is vested in a governor appointed by the president for four years; in his absence, in a secretary similarly appointed for five years. The legislative power is vested in the governor and legislative assembly, the latter to consist of a council and house of representatives. Members of the council hold office two years, of the lower house one year, and representation in each is by districts in proportion to the qualified voters. Sessions are limited to forty days each year while the suffrage is extended to

* Von Holst, vol. iv., p. 402.

† 25 U.S. Statutes at large, vol. x., p. 377.

the free white male inhabitants provided they be citizens of the United States or have declared their intention to become such. The veto of the governor may be overridden by repassage of the bill with a two-thirds vote of each house. Appointments by the governor to territorial offices are subject to the advise and consent of the council. The judicial power is vested in the supreme and inferior courts. The supreme court consists of three justices appointed by the president for terms of three years. The other officers appointed from Washington are the attorney and marshal, each holding four years. The qualified voters are furthermore authorized to elect a delegate every second year to represent them in congress.

The fourteenth section repeals that part of the Missouri compromise referring to slavery as "inconsistent with the principle of non-intervention by congress as recognized by the legislation of 1850, it being the intent of the act to leave the people perfectly free to regulate their domestic institutions in their own way. This is evidently meant to allow slavery in the territory until the assembly should prohibit it. Moreover the first section provides that when admitted as one or more commonwealths, Nebraska shall be admitted with or without slavery as their constitutions then may prescribe. It is to be noticed that the Kansas-Nebraska bill contains no formal bill of rights; it fails altogether to establish any domain of civil liberty for the individual against the territorial government. On the other hand, it constituted the first really representative legislature that has had control over the district comprising the present commonwealth. For the first time, too, the governor has only a limited veto power which may be overcome by the representatives of the people by complying with a specified method of procedure.

Nebraska was now an organized territory, but she had not yet attained her permanent boundaries. By a law of 1861, that portion lying south of 40° north latitude, and west of the twenty-fifth meridian of longitude west of

Washington, was taken from her limits to form part of the territory of Colorado.* Her domain was further modified the same year by the act creating the territory of Dakota out of that territory lying north of a line running up the same channel of the Niobrara from its mouth in the Missouri to the mouth of the Keya Paha, thence along that river to 43° north latitude, and thence due west.† Section twenty-one of this law incorporated temporarily into the territory of Nebraska, that part of the territories of Utah and Washington between 41° and 43° north latitude and thirty-third meridian of longitude west of Washington. The act of 1863 took away again all that district west of the twenty-seventh meridian of longitude west of Washington, making it a part of the territory of Idaho.‡ This left Nebraska with her present boundaries, the same as were afterwards prescribed by congress in the act of admission to the union.

The merest glance at the map will show that these lines are in the highest degree artificial. When the crest of the Rocky mountains formed her western limits, Nebraska had a natural boundary on one side; this has since been changed and the rivers now on the north and east can in no way be regarded as natural boundaries. On the contrary they form very undesirable boundaries and have already occasioned much misunderstanding. In the case of *Holbrook vs. Moore*, Chief Justice Lake decided that a change in the main channel of the river does not alter the boundaries of the commonwealth.§ The point arose over the doubtful jurisdiction over an island, but the jurisdiction over newly formed territory, if attached to the mainland, is at present before the courts.||

The Thirty-eighth congress took up the matter of

* United States Statutes at large, Vol. XII, p. 172.

† Ibid., p. 239.

‡ Ibid., p. 807.

§ 4 Nebraska, 437.

|| The U. S. supreme court in *Nebraska vs. Iowa*, 143 U. S. 345, held that gradually formed accretions lie within the jurisdiction of Nebraska; but not avulsions.

erecting the territory of Nebraska into a commonwealth. A bill for that purpose passed the house without discussion.* The chief objection made in the senate rested on the fact that while the ratio of congressional apportionment was then one to 127,000, the population in the district was, at the highest, estimated at 40,000. It was also urged that the people concerned had neither asked nor publicly expressed their desire to form a constitution. But the seceded commonwealths were not then represented in congress and any addition to the war party would be welcome. Neither was a possible extra vote in favor of the proposed amendments to the federal constitution undesirable, and so the bill finally passed and became a law by approval of the president, April 22, 1864.

The act of 1864 defines the boundaries of the proposed commonwealth and authorizes the people thereof to form a constitution and government under the name of Nebraska.† It prescribes the precise method to be followed in exercising: this power namely, that a convention of delegates, elected from districts, according to population, by all persons legally qualified to vote for members of the territorial assembly, should meet at the capital on the first Monday in July of that year and form a constitution, republican in form and not repugnant to the constitution of the United States and the principles of the declaration of independence. The constitution was further to provide by an article forever irrevocable without the consent of congress — first, that slavery and involuntary servitude except as a punishment for crime be forever prohibited; secondly, that perfect toleration of religious sentiment be secured and no person molested in person or property on account of his religious worship; and thirdly, that the people disclaim all title to unoccupied public lands which are to remain untaxed and that lands belonging to non-residents be not discriminated against in the matter of

* See Congressional Globe, Thirty-eighth congress, 1st session, part ii.

† U. S. Statutes at large, vol. xlii., p. 47.

taxation. The constitution when formed was to be submitted to the people for ratification or rejection upon the second Tuesday in October, and if carried by a majority vote the fact was to be certified to the president by the acting governor, "whereupon it shall be the duty of the president of the United States to issue his proclamation declaring the state admitted into the union on an equal footing with the original states without any further action whatever on the part of congress." The act also apportioned one representative to Nebraska and made grants of public lands for various purposes.

The delegates were duly chosen in accordance with the law, but when, upon meeting, they refused to frame a constitution and adjourned sine die they simply reflected the sentiments of their constituents, who were at that time opposed to the assumption of the burdens of a commonwealth government.* The territorial legislature of 1866, however, without further action of congress, submitted a proposed constitution to the electors to be voted upon in June of that year with directions to choose at the same time commonwealth officers and a member of congress. The board of canvassers declared the vote to be 3,938 in favor of the constitution and 3,838 against it. The legislature thus chosen met in July and elected two senators who together with the representative started for Washington with the constitution in order to ask congress for the admission of Nebraska into the union. It is this document which Judge Crounse has declared was notoriously "originally drafted in a lawyer's office by a few self-appointed individuals who then importuned the legislature to submit it to the people."†

Scarcely had news of these events reached the halls of congress when on July 23, Senator Wade, of Ohio, introduced a bill to effect the admission of Nebraska as a com-

* The real motives are stated in some detail by Judge Maxwell in his dissenting opinion, in state ex rel., *Thayer vs. Boyd*, 48 N. W. Reporter, 730.

† *Brittle vs. The People*, 2 Nebraska, 198.

monwealth.* It comprised two sections, the first providing that the constitution and government formed by the people be accepted and the commonwealth declared to be one of the United States; the second, that admission be subject to the conditions and restrictions of the original enabling act. Senator Sumner proposed a further "fundamental condition," to be first ratified at a popular election, but it was voted down and the bill passed both houses. Congress adjourned the following day, thus giving President Johnson an opportunity to resort to a pocket veto—a course of action which he eagerly grasped, with fatal result to the measure.

The bill was quickly re-introduced by Senator Wade on the 5th of the next December, and when reported back to the senate occasioned no little controversy.† The restriction of the suffrage to the white males by the constitution was strenuously opposed, and finally occasioned the introduction and acceptance of the "fundamental condition" prohibiting discrimination on account of color. The democrats regarded the imposition of this condition to be chiefly for the purpose of precedent for the commonwealths then undergoing reconstruction. They also intimated that the votes of the republican senators already at hand from Nebraska were sorely needed to carry out the schemes of the party leaders who at that time were threatening to impeach the president. As it passed both houses the bill consisted of a preamble and three sections.‡ After reciting that the people of Nebraska had complied with the conditions of the act of 1864, enabling them to form a constitution; that constitution is declared accepted and the commonwealth duly entitled to the rights and privileges, as well as subject to the conditions of the previous act. But section three provides that the law shall not take effect "except upon the fundamental

* See Congressional Globe, 39th Congress, 1st session, Part V.

† See Congressional Globe, 39th Congress, 2d Session, Part I.

‡ U. S. Statutes at large, Vol. XIV, p. 391.

condition that within the state of Nebraska there shall be no denial of the elective franchise or any other right to any person by reason of race or color, excepting Indians not taxed." Only upon notification of assent of the legislature to this condition was the president to announce the fact and the admission of the commonwealth to the union to be considered complete.

On January 29th, 1867, the president returned the bill to the senate with his objections.* He presents a summary of the points made in congress by the opposition and undoubtedly makes a strong case for his side. The objections may be summed up under five heads:

First—A new condition not mentioned in the enabling act has never before been applied to the inhabitants of any commonwealth. Congress here undertakes to authorize and compel the legislature to change a constitution which the preamble declares has received the sanction of the people and which by this bill is accepted, ratified and confirmed.

Second—Making the acceptance of the third section a condition precedent, is the assertion of nothing more nor less than the right of congress to regulate the elective franchise in any commonwealth hereafter to be admitted. This assumption is a clear violation of the federal constitution, which leaves each commonwealth free to determine the qualifications necessary for the exercise of suffrage within its limits.

Third—If, as the preamble asserts, the people of Nebraska have complied with all the provisions of the enabling act of 1864, good faith would demand that she be admitted without further requirements. The people ought to have an opportunity to accept or reject this new limitation by popular vote.

Fourth—The president calls attention to the fact that the proceedings attending the formation of the constitution were not at all in conformity with the provisions of

* McPherson's Reconstruction, p. 164.

the enabling act; that in an aggregate vote of 7,776, the majority in favor of the constitution was less than 100; that alleged frauds make even this result doubtful as an expression of the wishes of the people.

Fifth—It would be better to continue Nebraska as a territory a little longer in order that increased population and wealth might make the burdens of commonwealth taxation less oppressive.

The great question raised by the veto of President Johnson is that of the competency of congress to place irrevocable limitations upon any commonwealth. The whole proceedings had been, to use a mild expression, "throughout very irregular," and the bill itself was contradictory on its very face. If, as the preamble declared, the people of Nebraska had fulfilled the conditions of the act of 1864, then they must have been regarded as already under commonwealth government, "without any further action whatever on the part of congress." But they had not fulfilled the conditions of that act and no amount of declaratory resolutions of congress could change the state of facts. The act of 1864 was not a continuing offer to be accepted any time after rejection by an equivocal compliance, and the action of the territorial legislature in submitting a constitution to the people was entirely extra-legal and without the shadow of authority. On the other hand, it seems to me that congress had a perfectly constitutional right to prescribe any conditions whatever as precedent to admission into the union. As long as Nebraska remained a territory congress was supreme and had "all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the constitution."* Then, as congress has sole power to erect new commonwealths, they can at their discretion refuse to exercise that power until the people agree to a satisfactory constitution; and they can constitutionally authorize any body of persons

* *National Bank vs. County of Yankton*, 10 U. S. Reports, 129.

to accept conditions on behalf of the people. As to the irrevocableness—if I may use such a term—of the conditions after the commonwealth is once admitted, an entirely different question arises. The point came up in the interesting case of *Brittle vs. The People*, reported in 2 Neb., 198, where the court held the “fundamental condition” to be a valid part of the constitution, but we may still doubt that, assuming that the fourteenth and fifteenth amendments to the federal constitution had not been made, this condition would be held “forever irrevocable without the consent of congress.” The power of congress over a territory is undisputed; but as soon as the latter becomes a commonwealth it must be considered as holding directly under the federal constitution and “on equal footing with the original states.” Under any other theory we would no longer have a union of equal commonwealths. There would be commonwealths of various orders; one class consisting of the original colonies with all powers not appropriated by the federal constitution; one class, such as Louisiana, with all those powers except that of changing the official language; another, such as Nebraska, without control over the suffrage, religion, etc., etc. Chief Justice Mason assumed as an extreme example, a case where congress prescribes that the commonwealth constitution be altered only with its consent. This may be extreme; but there have been commonwealths without any provision whatever for amending the constitution, and congress could again erect others under similar conditions. What would be the result?* If this is a union of equal commonwealths, any amendment undeniably carried by the method ordinarily in vogue must be held constitutional. On admission as a commonwealth, the irrevocable character of conditions imposed by congress lapses, and, as Senator Wade expressed it on the floor of the senate in this very connection, “The day after a state comes in it may alter its constitution, throw your amend-

* New York. See Cooley's Constitutional Limitations, p. 42, note.

ment to the winds and fix the status of her voters in her own way." *

The veto message lay on the table in the senate until February 8, when it was taken up and a motion that it be not sustained carried by a vote of 39 to 9, 12 being absent. On the following day the bill was taken up in the house and passed over the veto by a vote of 120 to 43; not voting, 28. Speaker Colfax requested the clerk to call his name and voted aye. According to the Congressional Globe, "the announcement of the result of the vote was received with applause both on the floor and in the galleries." Notice was given in the senate and that body ordered by resolution that the bill be presented to the secretary of state as a duly enacted law.

The territorial governor of Nebraska convened the legislature on February 20, 1867, and an act was passed which, after reciting the facts, declared that it ratified and accepted the act of congress and that the provisions of the third section be henceforth "a part of the organic law of the state of Nebraska."† This act was certified to the president on February 21, who on March 1, 1867, issued his proclamation stating that "the admission of the said state into the Union is now complete."‡ The salaries of the senators and representative issued from March 4; the commonwealth government is just completing its twenty-fifth year of continuous operation.§

It now remains for us to examine the frame of the government created in 1866-'67, and to trace the changes wrought by the constitutional convention of 1875.¶ This can best be effected by considering the two together and pointing out where the first is supplemented by the sec-

* Congressional Globe, 39th congress, 2nd session, part i., p. 162.

† Nebraska Compiled Statutes, p. 47.

‡ U. S. Statutes at large, Vol. XIV, p. 820.

§ The admission of Nebraska is traced tentatively in *State ex rel. Thayer vs. Boyd*, 48 N. W. Reporter, 739; also in *Boyd vs. Thayer*, 143 U. S. 135. Neither court, in connection with this case, seems to have given due weight to the point that Nebraska did not, in law and in fact, come into the Union under the provisions of the act of 1864.

¶ Printed in Poore's Constitutions, pp. 1203 and 1214.

ond. Externally the government differed but very slightly from the old territorial régime; the great changes lie in the relations of the departments to the federal government, to other commonwealth governments, to one another, and to the people of Nebraska. The constitution falls naturally into three parts, dealing with the organization of the people in the constitution, the establishment of a domain of civil liberty, and the provision of a commonwealth government.

Under the constitution of 1866 only one method of amendment was provided, and that rather indefinitely. Whenever a majority of each house of the legislature thought it necessary, they were to submit the question of calling a constitutional convention to revise or change the constitution to a vote of the people. If favorable, the legislature was to provide by law for calling the convention. The succeeding steps are not specified, nor is it clear whether such a convention was to have constituent or merely initiating powers.

These omissions are partly remedied in the present constitution, which states distinctly that the convention shall consist of as many members as the house of representatives, chosen in the same manner, and shall have only initiating powers. Every change recommended must, to be valid, be adopted by a majority of the electors voting for and against the same.

The constitution of 1875 provides also a second method of amendment. Amendments may be proposed by a three-fifths vote of each house of the legislature and are then to take effect after submission to the people "if a majority of the electors voting at such election, adopt such amendment." While the majorities required are not excessive, yet the clause just quoted has destroyed its efficiency inasmuch as it has been taken to necessitate votes in number equal to a majority of those cast for the candidate receiving the greatest total vote at such election.*

* State vs. Babcock, 17 Nebraska, 188.

The extent to which freedom of person is insured against the commonwealth government by the constitution of 1866 is similar to that marked out in the federal constitution. The commonwealth government may pass no bills of attainder nor laws working corruption of blood; it may not make ex post facto laws, issue general warrants, deny the writ of habeas corpus except in cases of rebellion or invasion, refuse adequate bail except for capital offenses, unduly delay trials, proceed otherwise than upon a grand jury indictment, refuse the accused a jury trial according to the due process of the accepted common law, impose excessive fines, inflict unusual punishments, make any offense treason except as defined in the constitution and proven in the manner therein provided, or abridge the freedom of speech, petition and religion. In all cases of criminal libel, the truth if published without malice is made a sufficient defense. No person is to be imprisoned for debt, no discrimination made in law against resident aliens, no denial of the writ of error in capital cases.

To these immunities the constitution of 1875 adds prohibitions upon the government against transporting any person for offense committed within the commonwealth, from allowing qualified voters to be hindered in the exercise of the franchise and from inflicting penalties out of proportion to the nature of the offense. It further authorizes the legislature to alter or abolish the grand jury system.

The immunities referring to property are also explicit. The commonwealth government is prohibited from making property of man but otherwise may declare in what property shall consist. On the side of the judiciary, the government may not issue general search warrants, refuse jury trials according to the process of law or pass laws impairing the obligation of contracts. All money must be appropriated by law, the peace debt is limited to \$50,000, the salaries of commonwealth officers are speci-

fied in the constitution and members of the legislature prohibited from drawing pay, for more than forty days' service annually. No property may be taken without due compensation, the revenue must be raised by annual tax laws, while the credit of the commonwealth may not be bound for individuals or corporations.

Several further provisions were added in the constitution of 1875. The truth is extended as a valid defense in civil suits for libel; appeal to the supreme court may not be denied in civil cases, nor soldiers billeted in time of peace. Taxes must be assessed in proportion to the value of property, and franchises and licenses must be uniform for the class upon which imposed. The debt limit in time of peace is raised to \$100,000 and all powers not expressly delegated by the constitution are declared to remain with the people.

The constitution of the government is intended to be one of co-ordinate departments. The legislature is, with certain exceptions, practically based on manhood suffrage for all residents who are citizens of the United States, or who have declared their intentions to become such. The principle of representation is the same in both houses, according to population, the only difference being in the number of members. Any qualified voter may serve, and when elected is entitled to compensation for his services, to freedom from arrest during the session except for treason, felony and breach of the peace, and to privilege against liability for words spoken in debate. A majority of elected members constitutes a quorum. Each house elects its own officers and controls its members and procedure. Bills in order to become laws must be read on three different days, passed in each house and be either approved by the governor or repassed over his veto. Sessions are limited. This organization is substantially retained in the present constitution, the chief modification being in the introduction of the lieutenant-governor as president of the senate.

Although the constitution assumes to provide a government of specified powers, it makes no express grant other than that vesting all legislative power in the legislature, and then places restrictions on the exercise of general power. The constitution of 1866 forbids the legislature from authorizing lotteries, granting divorces, giving extra compensation to public servants or contractors, and from passing special acts conferring corporate powers. The constitution of 1875 encroaches still further upon the discretionary powers of the legislature. It prohibits special legislation upon any subject to which a general law can be made applicable, takes away power to alienate salt springs belonging to the commonwealth or to donate public lands, to divert specified revenue from the school fund, to permit sectarian instruction in public institutions, to change existing county lines without the consent of a majority of the voters in the counties affected, or to create any executive office.

By the constitution of 1866, the executive department was made to consist of the elective offices of governor, secretary of state and treasurer, with terms of two years, and an auditor with term of four years. Any qualified elector, a citizen of the United States, was eligible. The supreme executive power was vested in the governor, while the order of succession to his office passed along to the secretary of state, president of the senate and speaker of the house. Besides the duty of enforcing the laws, the governor was given a limited veto over legislation, the power of reprieve and pardon, the appointment of administrative officers and complete control over the military forces.

The constitution of 1875 creates the additional executive offices of lieutenant-governor, superintendent of public instruction, attorney general and commissioner of public lands and makes the term of office uniformly two years. The requirements for eligibility are slightly increased and succession to the governorship given to the

lieutenant-governor, president of the senate and speaker of the house in the order named. The executive is explicitly given power to remove appointed officers and the two-thirds majority required to override a veto is cut down to three-fifths of the elected members in each house.

The judicial power was vested by the constitution of 1866 in a supreme court, district courts and certain inferior courts. The three judges of the supreme court were to be elected by popular vote for terms of six years. They were to have original jurisdiction in certain specified cases and to have cognizance of both equity and common law procedure. The senate was to act as a court of impeachment. No material change in the constitution of the courts has been made by the constitution of 1875. The supreme court is now a permanent body, one member vacating his office every second year. General jurisdiction over cases of impeachment has been taken from the senate and vested in the supreme court. In the last instance, the duty of determining whether or not a commonwealth law is in conflict with the commonwealth constitution, devolves upon the supreme court.

With the constitution of 1875 two propositions were submitted separately, one allowing electors to express their preference for United States senators and the other providing that the seat of government shall not be removed or relocated except by a majority of the electors. Both these propositions were carried and as a consequence of the adoption of the latter no serious attempt to remove the capital has ever been made.

Efforts have been made to amend the constitution of 1875 every two years beginning with 1882. The only amendment which has ever been carried, however, was one of the two submitted to the electors in 1886, providing for a sixty days' session of the legislature instead of forty days and a remuneration of \$5 instead of \$3 per day to members of the legislature. Proposed amendments providing for woman suffrage, for a railroad commis-

sion, for increasing the number and pay of judges of the supreme court, and the remuneration of judges of the district court, and for a prohibitory liquor law have fallen short of the required vote to secure their adoption, and with the single exception noted above, the constitution remains as it was originally adopted.

A BRIEF HISTORY OF THE SETTLEMENT OF KEARNEY COUNTY AND SOUTH- WESTERN NEBRASKA.

A Paper Prepared for the Nebraska Dairymen's Association by
Joel Hull, of Minden.

Some time in the '50's the territory now embraced in the counties of Kearney, Franklin, Harlan and Phelps was all organized in one county, named Kearney county, and having Kearney City as its county seat. From the meagre records now obtainable, and from the reports of those who saw it, that city was a busy, active town, and the principal one upon the great overland route between the eastern states, and the Pacific coast and the intermediate gold mines. Under the laws of the territory of Nebraska the county was duly organized, and was similarly officered as counties are now, having justices of the peace, notaries public, a sheriff, county clerk, recorder, probate judge, treasurer, and commissioners. No records, however, are extant of tax lists, treasurer's books, judge's proceedings, nor commissioner's proceedings, though suits were held, judgments enforced and marriage licenses issued. Not an acre that can now be ascertained, was during the eighteen years of its existence placed under

cultivation of this now most beautiful and excellent portion of the state of Nebraska. It was thought to be worthless for agricultural purposes by the eastern farmers, who then were gold hunters.

From '50 to '68 in this tumultuous city of the plains, every transaction was in the lines of merchandising, trading, trafficking, fortune hunting, and gambling, and every act was performed with a glaring abandon, fascinating to the actors as well as to the spectators. The founding and growth of this abnormal city was induced by the facts that it was situated upon the great ox team national thoroughfare to California and Pike's Peak, and situated right at the edge of Fort Kearney reservation—upon which no settlement was allowed—and in which was the celebrated fort where were stationed U.S. troops—battalions and regiments of infantry, cavalry and artillery—for the protection of the great trains of teams of freighters, prospectors and traders, from the attacks of hostiles inhabiting this vastness of space and subsisting upon the innumerable herds of the buffalo which grazed there.

At the height of the prosperity of this Damascus of the plains, gold dust and gold nuggets were the common currency and legal tender in all their commercial and financial transactions. Nothing but business was spoken of, no Sabbath day interfered with it, no school house or church building cast forbidden shadows over the conduct of those free traffickers of the desert. General Fremont had named it the Great American Desert, and his authority on that point was never thought of being disputed. A majority of the edifices in the city were constructed of native Platte Valley sod, a few of sun-dried brick cemented with mud, while a considerable number were built of native cottonwood boards, sawed from the forests of trees then growing upon the islands of the Platte, where were erected portable saw mills which had been hauled hundreds of miles from the eastern machine shops. But a few of the more pretentious buildings, hotels and centers of

most important transactions, were built of red cedar logs floated down the river from the western canons to ornament this veritable capital of the Territory of Nebraska. Kearney City was for many years the largest and most important town between Independence, Mo., the first initial point of the emigrant, and San Francisco. In conformity with the free and easy usages in force upon the plains, Kearney City, when in the zenith of its splendor, was well supplied with saloons, dance houses, gambling parlors and boarding ranches. No small number of difficulties were adjusted with powder and lead in the city and its suburbs instead of by the more tedious formality of the doubtful law of the territory, pleaded and executed by the more doubtful lawyers and courts then and there located. The date of the founding of this remarkable city antedates that of Omaha or Denver, and is about coeval with that of Nebraska City. In those days the gold dust washed from the placer diggings of the mountains of Colorado and California was the staple currency for the dealings of the gambling tables, the merchant's counters, and the transactions in all traffic, and was weighed out at the usual price of one dollar a penny-weight. Dealers of cards, merchandise, stock of real estate, miners, ranchers, officers and men, everybody who aspired to be anybody, possessed a buckskin bag and a pair of tiny gold scales. In manners and customs the city was a little world of its own, a *sui generis*, taking in and drilling the constant inflowing stream of eastern "tenderfeet," and day and night relieving the lucky miners' many wants by the dispensation of its liquors, and exhibiting to them the "sights of the city."

After weeks of dreary travel from the east the uninitiated were treated to a sample of what was to come. He was introduced to miners for information as how most speedily to acquire a fortune, and the denizens kindly relieved him of all unnecessary surplus wealth he might possess; while the miners, loaded down with the lucre—the proceeds of years of toil and privations—after months

of dusty travel and scant subsistence, hailed with delight, at the approach of the city, the "signs of civilization" and turned themselves loose for a holiday or two; meanwhile their scales and dust came in good play to the infinite satisfaction of the denizens of the various resorts to be found in every street and on every corner. Graveyards were not then symmetrically laid out on account of emergencies peculiarly there existing, yet were numerous. Most of them, however, were dedicated to cemetery uses, principally for the benefit of the olfactory nerves of the living, and seldom from sentimentalism. After carefully preserving everything of value from burial, coffinless funerals were made for those who elected such departure, the last sad rites were performed in the nearest unappropriated spot that seemed to be easy digging. No pomp nor ceremony for such incidents were used; nothing but a spade; no inquests, no chaplains, no prayers, no tears; informally the transaction was done, and the dance at once went on. Kearney City for years was the place of the transaction of some of the most important business of the west, appointments being made by the parties to meet here from the east and from the west. When, however, the construction of the Union Pacific railroad was completed beyond the old Fort, all was changed; unloading or abandonment was the order of the day, and hurrying and scampering to the terminus of the road was the determination of the hundreds of souls who so lately seemed not to observe the threatened change; and Julesburg became the metropolis of the west during the winter months of 1869; but in the spring that mushroom city died as quickly as it had risen, and its corner lots, worth thousands of dollars within three months of the date of the progress of the great railway towards the mountains, were not worth the paper to deed them, and within six months of the paralyzing stroke, that city had nothing but mounds of old tin cans to mark its site. The death of Kearney City caused the loss of the organization of Kearney county. The county officers

fled to western points like rats from a sinking ship, taking their records with them or throwing them away as useless rubbish; and the city became uninhabited, and the county as completely desolate, including the old Fort, as though never occupied or never to be remembered or mentioned. The unkept sod houses soon decayed and tumbled down, the frames quickly rotted or were torn down, and where once was an active, bustling city not a single thing remains to mark the spot except a few trees thoughtlessly planted by some unknown hands. Even the spot where once this proud western queen sat and ruled had so far been degraded by the year 1872 as to be known and spoken of solely as "Doby Town," and its compeer at the eastern edge of the reservation, "Valley City," was never mentioned and only remembered as "Dog Town," and its site is wholly unmarked and now forgotten.

One record only is now known to be in existence. The county clerk and recorder when he left for greener fields of adventure thoughtfully left his record behind, and that is now all we have for the history of old Kearney county, and it is now deposited in the archives of the new county of the same name. The first paper in this book of records is a sheriff's deed of a house and two lots in the noted Kearney City in the foreclosure of a mortgage thereon, dated September 17, 1860, and sold under foreclosure April 23, 1861. After this follow records of numerous deeds and mortgages of lots in the city for a number of years. Among them are sales ranging from \$200 to \$2,000. The Union Pacific railroad company has therein recorded a mortgage upon its lands to secure their first mortgage bonds, covering twenty pages, signed by its president, John A. Dix, and secretary Charles Tuttle, witnessed by E. D. Morgan, Oakes Ames, Charles Tracy, John I. Davenport, Charles Nettleton and Amasa Cobb, and acknowledged before the commissioners of the territory of Nebraska residing at New York City, and Washington, D. C., and before the commissioners of the territories of

Dakota, Colorado, Utah, Nevada and California, all residing in New York City. This mortgage had a United States revenue stamp upon it of the value of \$1,600. Another remarkable mortgage follows, recorded against the St. Joseph and Denver City railroad company in favor of the Farmers' Loan and Trust Co., of New York City, with a United States revenue stamp on it of the value of \$5,500, to secure 3,200 bonds of the denomination of \$1,000, 4,000 bonds of \$500 each, and 3,000 bonds of \$100 each. The road was to be constructed from the city of Ellwood, in the state of Kansas, to a point on the U. P. R. R., not further west than the 100th meridian. After the disappearance of the wonderful city of the plains, the land had a rest for a season; but in 1871 the Burlington and Missouri River railroad company commenced the construction of the extension of its line to a junction with the U. P. R. R. at a point near the old Fort Kearney reservation; and a new and a different kind of adventurers came upon the scene and settled in the county, now reduced in area. The legislature, seeing the fate of the old county, took repossession of it, and sub-divided it into the four counties above named, wisely leaving for the new county, the old historic name of the county in which was situated old Fort Kearney. In 1872 the residents moved for an organization of the new county, whereupon acting Governor W. H. James, secretary of state, ordered an election to be held June 17, 1872, of the county officers, and location of the county seat. Upon the receipt of the certified returns of such election, acting Governor James issued his proclamation of the organization of the county, and issued, with the great seal of the state attached thereto, the commissions of the first set of officers of the new county. The name of the city had been abandoned, but was picked up and appropriated by the new adventurers who settled in Buffalo county on the north side of the river, and is still in use by them, it gracing a more modern kind of city of different people and of different habits than its predecessor of the same name.

During the years of 1871-2-3 countless thousands of buffalo, elk, deer and antelope grazed upon the lands of this new county undisturbed by either Indian or white man, grazed for the last time upon the great plains whereon soon were to be located the finest farms of the state. During the years of 1872-3-4 thousands of homeseekers, from neighboring and eastern states, came pouring into this part of the state and first settled upon the Republican river and its tributaries, leaving the "great divide," a broad, smooth prairie between the Platte and the Republican rivers, to be settled up by later emigrants who were satisfied with rich lands devoid of "wood and water," and this stream of emigration has steadily continued to the present; some satisfied with the divide, others seeking lands upon the creeks of the Republican valley where streams of pure water and natural timber are found.

The noted grasshopper plague, or locusts as they were afterwards found to be, occurred in 1874-5-6. In the last mentioned year they flew south, never more to be seen or heard of. Those were years that tried men's souls. The pioneers of those days came seeking homes and brought means of subsistence for but one year, and many of them for but one season. How they succeeded in subsisting during those three grasshopper years remains yet a mystery, but it is now a well-known fact that those who remained throughout those terrible years—and most of them remained—are now the most prosperous of a very large class of wealthy farmers. During that plague these determined men each year kept steadily turning over the native sod which had been the tramping ground for thousands of years for wild animals and wilder Indians, and after it was all passed, the abundant harvests of several succeeding years manifested their wisdom and abundantly repaid them for their fortitude and years of privations.

Very soon the "divide" was divided into quarter and half section farms, and almost like magic, from present

contemplation of the past, frame houses have taken the place of the first sod domiciles, trees now mark the road lines ; section lines are the highways. Great red barns, white painted houses, cribs, granaries, pens and yards now appear where hundreds of the present residents once saw nothing but a bleak, blank prairie. Tall, rank "blue stem" grass is now cut for hay, where formerly grew only the "buffalo grass," and now, at the center of this magnificent county, in its new county seat, the State Dairy-men's Association finds a beautiful city of 2,500 inhabitants, where nine years ago was not a railroad nor a brick building—only a little village of 200 souls ; where there are now the two great railway systems of the west, the B. & M., and the U. P. Here they meet in an opera house not inferior to any between Lincoln and Denver, to discuss the livest question allied to and associated with agriculture—the dairy—the prime moving question of all the early, as well as later settlers of this beautiful state. The rapidity of the growth of towns and farms seems like a dream, a day dream, with its every conception in full realization, as the scene flies before the dreamer ; like a panorama, with every shifting scene of which we are intimately acquainted.

Already the value of these twenty years of labor amounts to over ten millions of dollars in this one little county alone ; and the future is pointing to a grander, prouder picture with the brightest hope of full fruition. With the exception of the history of the first Kearney county, and of its first county seat and its awful and demoniac scenes, the history of this beautiful county is identical with the history of all the counties lying west and southwest of it. Each in turn took in the tide of emigrants seeking free government lands. One after another had such lands exhausted, and the tide flowed on westward, as the tide of empire flows. County after county was settled and organized ; wild animals speedily disappeared upon the approach of the determined home-

hunter; school houses, worked roads, bridges, tilled fields, fences, fine houses, villages, cities, railways, commerce, and wealth sprung up so rapidly that one who saw this country ten years ago, from its present aspect, is completely bewildered at the changes. Nebraska is not now an unknown land. Its excellencies are mentioned all over the continent and in the old world. Those who come remain and communicate their satisfaction to their friends, many of whom follow their leaders. It is not an "Eldorado" in the sense and meaning of the imaginary land of gold gems, but it is the farmer's paradise and pride, in which all and every kind of fruits, grain and stock acclimated to this latitude attains perfection. It is where the true farmer is richly rewarded for the faith in, and work of, its soil; it is where the science of farming and all its kindred adjuncts is found in its highest state; in which the acme will soonest be found in those sciences pertaining to agriculture by the application of the abnormal mental vigor of the Nebraska farmer, already made apparent at the various conventions of the farmers of this proud state. And it may even be called an "Eldorado" from its production of gems of thought invaluable, and its golden harvests which are attracting the attention of the world and influencing its commerce.

From a glance at the map of the state of Nebraska one can quickly comprehend the exact history of the settlement of the state; it moving steadily westward from county to county and each waiting for its eastern neighbor to be first satisfied and filled, then in turn itself filled with the ever moving, never ceasing line of covered wagons—prairie schooners—sailing to their heaven of rest, "and yet they come." Lands freely selling here ten years ago at \$4 to \$5 per acre cannot now be bought for \$25 per acre and will soon command \$50 per acre for their intrinsic value alone. Land getting and grain raising, however, are not now the sole ambitions of the marvelously fortunate settlers of the raw prairies of Nebraska. As the

wild soil becomes tamed and subdued, it manifests a decided inclination to surpass the fondest dreams and wildest imaginations of its fortunate owners in its aptitude to surpass the known earth for its saccharine products.

The sugar beet claims Nebraska as its native home; the sorghum here pours forth its finest flavors and develops the much sought for conditions for granulations, not excelled in any tested latitude from Wisconsin to Kansas. Not by any means least of all is the fact forging to the front that thoroughbred stock here reaches such healthy and profitable conditions as are not yet found in any other latitude or longitude. The growth of the foods in Nebraska suitable for the healthy development and maturity of farm stock is peculiar, while it is found that the purity of the air and the water of the state is as conducive to health and life of our beasts as of the human family. Freedom from disease, and completeness of development, are points of which breeders and feeders of stock are becoming aware in this state, and are such as are seldom found elsewhere. Each year develops greater confidence that in the near future there will be a demand, on account of their excellencies, for "Nebraska thoroughbreds." Just as the Nebraska farmer is in the advance in the science of farming and stock raising, so will his stock lead the procession in perfection. The horses, cattle, hogs and sheep of Nebraska will then become as noted all over the world as are now the men of the state who are pushing their investigations of the questions pertaining to the interests of farming to the extreme verge of possibilities, even making discoveries in lines where never existed suspicion of standing room for knowledge.

II.--PROCEEDINGS.

SECRETARY'S REPORT, REPORTS OF OFFICERS,
AND LIST OF MEMBERS.

REGULAR ANNUAL MEETING OF THE STATE HISTORICAL SOCIETY.

Tuesday Evening, January 12, 1892.

The society met in the chapel of the State university, Tuesday evening, January 12, 1892, in accordance with the constitution and the call of the secretary, with President J. Sterling Morton in the chair. A quorum being present the minutes of the last annual meeting of January, 1891, were read and approved ; as were also the minutes of the special meeting of May 12, 1891.

The program of the evening consisted of a paper by W. M. Eller on "Our Camp on the Missouri ; Old Fort Atkinson." In the absence of Mr. Eller the paper was read by the secretary. The other papers of the evening were "A Biographical Sketch of the Life of the Hon. Byron Reed," of Omaha, by Mr. Wm. D. Beckett ; an account of "The Life and Work of Judge J. W. Savage," by Judge C. A. Baldwin, and an exceedingly interesting and valuable paper by Hon. J. Sterling Morton about "A Trip from Nebraska City to Salt Creek in 1855."

On motion of Mr. S. L. Geisthardt a committee was appointed to draft resolutions expressive of the great loss the society had sustained in the removal of Prof. Geo. E. Howard from the state. The president appointed as such committee S. L. Geisthardt, W. W. Cox and A. J. Sawyer.

The society then adjourned to meet at 8 o'clock Wednesday evening, January 13, 1892.

LINCOLN, January 13, 1892.

The society was called to order promptly at 8 o'clock, and the program was begun at once. The first paper by

Judge J. H. Broady, "A Biographical Sketch of Judge O. P. Mason," was scholarly in style, valuable in matter and highly appreciative of his subject. The next paper was by W. F. Kelly on "The Indian War and the Battle of Wounded Knee. Mr. Kelly wrote from personal experience, as he had been on the battlefield during the contest, hence his paper was graphic in description and valuable in matter.

The society extended a vote of thanks to the authors of the various papers and requested them for publication in its "Transactions and Reports."

In the absence of the treasurer, Hon. C. H. Gere, the secretary read his report. It was referred to an auditing committee consisting of Hon. A. J. Sawyer and Prof. C. L. Little, who reported the accounts correct and vouchers present.

President Morton then made the pleasant statement that Mrs. Gen. Crook had consented to donate the Gen. Crook collection of Indian curios to the society on the formal acceptance of the same by the society. The president and secretary were instructed to prepare suitable resolutions of thanks for the gift, and to forward the same to Mrs. Crook. A communication was presented from the Horticultural society calling attention to the conflict in the time of meeting of the two societies. On motion of Mr. S. L. Geisthardt a committee of three was appointed to meet a like committee from the Horticultural society to see if some satisfactory way might not be devised to avoid the conflict. The chair appointed Secretary H. W. Caldwell, S. L. Geisthardt and Prof. C. E. Bessey as such committee.

On motion the society proceeded to the election of officers for the ensuing year. The ballot resulted as follows:

President, Hon. J. Sterling Morton.

First vice-president, Judge S. B. Pound.

Second vice-president, Professor C. E. Bessey.

Treasurer, Hon. C. H. Gere.

Secretary, H. W. Caldwell.

The thanks of the society were returned to Rev. S. P. Merrill for the use of his father's diary from which to cull extracts for publication. Rev. Moses Merrill was a missionary among the Indians in Nebraska from 1833 to 1840, and his son, Rev. S. P. Merrill, was born in 1835, probably the first white child born on the soil of the present state of Nebraska.

The committee on resolutions expressing the loss the society had sustained in the removal of Professor Howard, presented its report which was unanimously adopted, and the report ordered spread on the records, furnished to the newspapers for publication, and a copy engrossed and sent to Professor Howard.

The resolutions are as follows:

Resolved, That in the removal of Professor George E. Howard from the state, Nebraska has lost an upright citizen and an earnest scholar, and the Historical society an efficient member and a faithful officer.

Resolved, That the success of this society, as shown by the historical matter collected and the growth of its library is due pre-eminently to Professor Howard, who, as its secretary from 1885 to 1891, has given unsparingly of his time and skill to its service.

Resolved, That while we cannot adequately express our sense of loss, we feel thankful that we have had him with us so long; and we congratulate the friends of historical study in the state of California in securing a co-worker so zealous and so thorough.

Resolved, That we esteem it a privilege to be able hereby to extend our thanks to Professor Howard for his past services in the cause of history in our state, and to express our sincere wishes for his welfare in his new field.

S. L. GEISTHARDT,	} Committee.
W. W. COX,	
A. J. SAWYER,	

A communication from Chancellor Canfield was received and placed on file.

The standing committees were then announced as follows:

On Publication, the secretary being *ex-officio* chairman, S. L. Geisthardt and A. J. Sawyer.

On Library, A. B. Show, C. N. Little and W. W. Cox.

On Obituaries, R. W. Furnas, George L. Miller and J. M. Woolworth.

On Program, the secretary being *ex-officio* chairman, C. E. Bessey and Mrs. M. B. Newton.

J. STERLING MORTON, President.

The following persons were voted in as active members:

(1). J. C. Orr, Alexandria.

(2). B. W. McGrew, Crawford.

(3). Edson L. Whitney, Wisner.

(4). Henry E. Lewis, Lincoln.

(5). Judge J. H. Broady, Lincoln.

(6). Chancellor J. H. Canfield, Lincoln.

As there was no further business the society stood adjourned, subject to the call of the secretary.

H. W. CALDWELL,
Secretary.

J. STERLING MORTON,
President.

TREASURER'S REPORT, JANUARY 13, 1891.*

I have the honor to submit the following report as treasurer of the State Historical society for the year ending January 13, 1891, accompanied with the books and vouchers:

RECEIPTS.

Amount on hand January 14, 1890.....	\$1,413 23
Membership Fees.....	12 00
Interest on Deposits.....	51 36
Total	\$1,476 77

EXPENDITURES.

Expenses of President.....	\$ 11 00
Postage of President.....	6 75
Expenses of Mrs. M. B. Newton.....	3 30
Printing Circulars,.....	4 50
Book Cases.....	33 50
Books and Expressage.....	440 77
Salary of Secretary.....	100 00
Salary of Treasurer.....	25 00

Total.....	\$ 499 82
Balance on hand January 13, 1891.....	\$ 976 77

C. H. GERE, Treasurer.

* Inadvertently omitted from the report of proceedings published in Volume IV.

TREASURER'S REPORT, JANUARY 11, 1893.

I have the honor to submit the following report of receipts and expenditures of the Nebraska State Historical society for the year ending with this annual meeting, January 11, 1893:

RECEIPTS.

Balance on hand in First National bank at last report.....	\$1,016 15
Received membership fees	8 00
Interest on deposits, 1892 and error of 1891.....	62 11
Total to be accounted for.....	\$1,086 26

EXPENDITURES.

Expenses of C. A. Baldwin and W. D.

Beckett in preparing papers for annual meeting	\$ 17 80
Salary of secretary	475 00
Salary of treasurer	25 00
Books purchased.....	29 00
Postage, express and sundries.....	122 60

Total.....	\$669 40
Balance on deposit	\$416 86

I hand you herewith the vouchers for the various items of the expenditures as above summarized.

Very Respectfully,

C. H. GERE,
Treasurer.

LIST OF MEMBERS.

ACTIVE.

Adair, Wm. Dakota City.	Doane, Geo. W., Omaha.
*Allen J. T.	Dougherty, M. A.
Ames, J. H., Lincoln.	Dunlap, J. P., Dwight.
Barrett, Jay A., Lincoln.	Dundy, E. S., Omaha.
Bessey, C. E., Lincoln.	Eller, W. H., Blair.
Bowen, J. S.	Farnham, Geo. L., Peru.
Bowen, William R., Omaha.	Furnas, R. W., Brownville.
Bowers, W. D., Seward.	Gallagher, John, Falls City.
Broady, J. H. Lincoln.	Garber, Silas, Red Cloud.
Brodfehr, J. C., Dakota City.	Gere, C. H., Lincoln.
Brown, H. W., Lincoln.	Gere, Mrs. C. H. Lincoln.
Budd, J. J.	Geisthardt, S. L., Lincoln.
*Butler, David.	Gilmore, Wm. Plattsmouth.
Brockman, J. M., Stella.	Goss, J. Q., Bellevue.
Blakely, M.	Gregory, Lewis, Lincoln.
Campbell, D. A., Lincoln.	Grennell, E. N., Ft. Calhoun
Caldwell, H. W., Lincoln.	Griggs, N. K., Beatrice.
Canfield, James H., Lincoln.	Hardy, H. W., Lincoln.
Chapin, E. H., Lincoln.	Hartman, Chris., Omaha.
Chapman, S. M., Plattsmouth	Hastings, A. G. Lincoln.
Child, E. P.	Hendershot, F. J., Hebron.
Clarke, H. T., Omaha.	Hiatt, C. W., Lincoln.
Colby, Mrs. C. B., Beatrice.	Humphrey, A., Lincoln.
Cox, W. W., Seward.	Jones, A. D., Omaha.
Cox, S. D., Lincoln.	Jones, D. J., Lincoln.
Craig, Hiram, Blair.	*Kaley, H. S.
Crounse, L., Fort Calhoun.	Keim, A. R., Falls City.
Davidson, S. P., Tecumseh.	Kennard, T. P., Lincoln.
Dinsmore, J. B., Sutton.	La Master, J. E., Tecumseh

* Deceased.

La Master, Hugh, Lincoln.	Richards, Mrs. L. C., Lincoln.
Leavitt, T. H., Lincoln.	*Reed, Byron.
*Lemon, T. B.	Rich, E. P., Omaha.
Lewis, F. W., Lincoln.	*Savage, James W.
MacMurphy, J. A., Omaha.	Sawyer, A. J., Lincoln.
Maxwell, Samuel, Fremont.	Shedd, H. H., Ashland.
McConnell, J. L., Lincoln.	Shryock, L. B. W.
McFarland, J. D., Lincoln.	Shugart, E., Beatrice.
McIntyre, E. M., Seward.	Skinner, W. H. Neb. City.
McReynolds, Rbt., Okla.	Spick, Henry,
Miller, Geo. L., Omaha.	Smith, W. H., Lincoln.
*Monell, G. S.	*Stocking, Moses.
Morton, J. S., Neb. City.	*Taggart, J. M.
Mullon, O. A., Lincoln.	Treeman, L. B., Lincoln.
MacCuaig, Donald, Neb. City.	Tremain, Miss M., Lincoln.
Newton, Mrs. M. B., Omaha.	True, M. B. C., Tecumseh.
Norval, T. L., Seward.	Vifquain, Victor, Lincoln.
Nye, Theron, Fremont.	Walker, C. H., Rising City.
*Owen, S. G.	Watkins, Albert, Lincoln.
Paddock, J. W. Lincoln.	Webster, J. R., Lincoln.
Perry, D. B., Crete.	Webster, J. L., Omaha.
Phoebus, J. S., Beaver City.	Whedon, C. O., Lincoln.
Pound, S. B., Lincoln.	Wheeler, D. H., Omaha.
Pound, Mrs. S. B., Lincoln.	Williams, O. T. B., Seward.
Parker, H. W., Beatrice.	Wilson, W. W., Lincoln.
Quaintance, H. W., Lincoln.	Woolworth, J. M., Omaha.
Richards, L. C., Lincoln.	Whitmore, H. J., Lincoln.

CORRESPONDING.

*Andrews, Dr. Israel W.	Macy, Prof. Jesse W., Grinnell, Iowa.
Darling, C. W., Utica, N. Y.	

HONORARY.

Hamilton, Rev. William.	Johnson, Hon. H. D., Salt Lake City.
Fletcher, Miss Alice	

* Deceased.

FORMER ACTIVE MEMBERS REMOVED FROM THE STATE.

Aughey, Sam'l, Hot Springs, Jones, W.W. W., Denver, Col.
 Ark. Kingsley, J. S., Salem, Mass
 Bennett, C. E., Ithaca, N. Y. Little, C. N., Palo Alto, Cal.
 Cadman, John, Los Angeles, Little, Mrs. C. N., Palo Alto,
 Cal. Cal.
 Chadsey, C. E., San Jose, Cal. Manatt, I. J., Athens, Greece.
 Child, A. L., Kansas City, Mathewson, H. P., Los Ange-
 Mo. les, Cal.
 Church, G. E., Fresno, Cal. Moore, Miss S. W., Lansing-
 Croxton, J. H., Denver, Col. burg, N. Y.
 Dudley, Lieut. E. S., Los Osborne, Geo.
 Angeles, Cal. Show, A. B., Palo Alto, Cal.
 Fifield, L. B., Minneapolis, Thompson, S. R.
 Minn. Wilber, C. D.
 Fulton, S. A., Marysville, Ka. Warner, A. G., Palo Alto, Cal.
 Galey, S. B., Ashland, Ore. Whitney, E. L.
 Howard, G. E., Palo Alto,
 Cal.

* Deceased.

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ERRATA.

In thirteenth line from bottom p. 241 for "bill" read "bull."

In foot note, p. 242, for "Cantello" read "Cantillo."

In line six, p. 246, for "councils" read "council."

In second line from bottom of p. 249 after the word "Missouri" insert "the Missouri."

In line five, p. 253 for "same" read "main."

In third line of second paragraph, p. 262, for "offense" read "offenses."

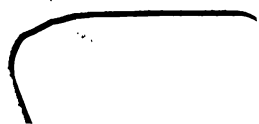




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